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JOURNAL

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1862

OF THE

J. Hewett

CONVENTION

By Gen'l J. A. Quitman

OF THE

STATE OF MISSISSIPPI,

HELD IN THE

TOWN OF JACKSON.

PUBLISHED BY AUTHORITY.

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JOURNAL

OF THE

Convention of the State of Mississippi.

Convened at the Capitol, in the town of Jackson, on Monday, the tenth day of September, in the year of our Lord one thousand eight hundred and thirty-two, and of the independence of the United States of America, the fifty-seventh; in pursuance of "an act" of the Legislature of said State entitled "An act for holding a Convention," passed the sixteenth day of December, 1831.

The attendance was very general, the entire number of the delegation being present, with the exception of one person, detained by indisposition. At 11 o'clock, A. M. Mr. Dickson rose, and addressed the Convention on the subject of its organization; when Mr. Johnson was called to the Chair, and John H. Mallory appointed Secretary pro tem.

Mr. Wright submitted the following resolution:

Resolved, That the Convention do now proceed to the election of President of the Convention; and that Messrs. Quitman and Trotter be appointed tellers.

Mr. Hurst moved to amend said resolution, by inserting after the word "proceed" in the second line the words "by ballot."

Which amendment being accepted,

The question was taken on the adoption of said resolution,

And decided in the affirmative.

On motion of Mr. Farish,

The following resolution was adopted.

Resolved, That the Counties be called over alphabetically, and the name of each member recorded, agreeably to his credentials.

Whereupon,—

The following members presented their credentials at the Secretary's table.

From the County of—

Adams—John A. Quitman, Spence M. Grayson, Stephen Duncan.

Amite—Richard Hurst, Isaiah Cain.

Claiborne—Thomas Freeland, Thomas Gale, Daniel Greenleaf.

Copiah—Seth Granberry, William P. Rose.

Covington—Frederick Pope.

Franklin—Daniel McMillan.

Greene—David McRae.

Hinds—David Dickson, James Scott, Vernon C. Hicks.

Hancock—P. Rutilius R. Pray.
Jefferson—Putnam T. Williams, Cicero Jefferson.
Jackson—William C. Seamon.
Jones—Nathaniel Jones.
Lawrence—Aloysius M. Keegan, Joseph W. Pendleton.
Lowndes—James F. Trotter.
Marion—Dugald McLaughlin.
Monroe—George Higgason.
Perry—Jacob J. H. Morris.
Pike—James Y. McNabb, Laban Bacot.
Rankin—Nathan G. Howard.
Simpson—John B. Lowe.
Warren—William J. Redd.
Washington—Andrew Knox.
Wayne—Thomas P. Falconer.
Wilkinson—Gerard C. Brandon, Edward T. Farish, Joseph Johnson.
Yazoo—Howel W. Runnels, Richard F. Floyd.

From the District composed of the counties of Yazoo and Madison,	William J. Austin.
District composed of the counties of Monroe, Lowndes and Rankin,	Daniel W. Wright.
District composed of the counties of Warren and Washington,	Eugene Magee.
District composed of the counties of Copiah and Jefferson,	Benjamin Kennedy.
District composed of the counties of Amite and Franklin,	Richard A. Stewart.
District composed of the counties of Lawrence, Simpson and Covington,	Charles Lynch.
District composed of the counties of Jones, Perry, Greene, Hancock, Jackson, and Wayne,	John Black.
District composed of the counties of Pike and Marion,	James Jones.

The Convention then proceeded to ballot for a President.

The ballot being taken, the tellers appointed to examine the ballot reported the result, as follows:

For P. Rutilius R. Pray,	18 votes.
David Dickson,	8
Charles Lynch,	5
Thomas Freeland,	9
Gerard C. Brandon,	7

The number of ballots having been forty-seven, and twenty-four being requisite for a choice, there was no election by this ballot.

A second ballot was therefore taken, which resulted as follows:

For P. Rutilius R. Pray,	20
David Dickson,	6
Charles Lynch,	4
Thomas Freeland,	5
Gerard C. Brandon,	6

Mr. P. Rutilius R. Pray having received a majority of the votes, it was announced by the Chairman that he was duly elected; and having been conducted to the Chair by Mr. Joseph Johnson, he addressed the Convention, as follows:

Gentlemen of the Convention:

I know not how to express the sensations produced in me by this manifestation of your wishes. It was my earnest wish that some of those who surround me, rendered venerable not less by their public services than by the hoary mantle which waves upon their brows, should have taken the post which I fear your too great partiality has confided to me. Feeling as I do my inadequacy to discharge the arduous duties which will necessarily devolve upon your presiding officer, I hesitate between my inclinations and my duty. I am aware that the most grave and solemn questions which ever were presented to a human tribunal will be here discussed; involving, not only the liberty and happiness of the present citizens of our State, but their posterity for an indefinite series of years.—And in thus contemplating the magnitude of the subject which has caused our assemblage, I may well pause before occupying the elevated station you have tendered me: But when I reflect that the tender has been made unsolicited by me, I must confess it is too grateful to my feelings to be rejected. I therefore accept the honor conferred, and tender to this Convention assurances that my best abilities shall be exerted to produce harmony in our deliberations, and bring our labours to such a close as shall promote the lasting interest of the State.

On motion of Mr. Higgason,

The following resolution was adopted.

Resolved, That the Convention do now proceed to ballot for a Secretary, under the same tellers.

Whereupon,

The Convention proceeded to ballot; when the tellers appointed to count the votes reported them as follows:

For John H. Mallory,	45 votes.
Willis A. Farris,	2

Mr. Mallory having a majority of the votes, was declared to be duly elected.

On motion of Mr. Dickson,

The following resolution was adopted.

Resolved, That the Convention do now proceed to the election of a Sergeant at Arms, under the direction of the same tellers.

Mr. Black proposed the name of John McDonald.

Mr. Runnels that of Joseph G. Anderson, and

Mr. Scott that of John O. Bannon.

The ballot being taken, the result was reported by the tellers as follows:

For Joseph G. Anderson,	38 votes,
John McDonald,	7 "
John O. Bannon,	2 "

Mr. Anderson having a majority of the votes present, was announced as being duly elected Sergeant-at-Arms.

On motion of Mr. Hurst,

The Convention then proceeded to the election of a Door-Keeper, under the direction of the same tellers.

The ballot being taken, the result was as follows:

For Lewis Whitesides,	37 votes,
Buddy Wheeler,	9 "
John O. Bannon,	1 "

Mr. Whitesides having received a majority of the votes taken, was announced as being duly elected Door-Keeper.

Mr. Wright submitted the following resolution:

Resolved, that the Convention do now proceed to the election of a Printer, to be conducted by the same tellers.

And then, on motion of Mr. Morris,

The Convention adjourned till two o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment.

When the following resolution was submitted by Mr. Johnson,

Resolved, that the rules and orders for the government of the late Convention, for forming a Constitution for the State of Mississippi, be adopted as the rules and orders for the government of this Convention until they be altered.

Mr. Wright moved that said resolution lie on the table.

Mr. Runnels moved that the Convention adjourn till to-morrow nine o'clock, A. M.

But said motion did not prevail.

When the question was taken on Mr. Wright's motion to lay said resolution on the table, and was decided in the negative.

The question was then taken on the adoption of said resolution, and was resolved in the affirmative.

Mr. Richard M. Williamson, the member from the county of Madison, appeared, produced his credentials, and took his seat in the hall.

Mr. Morris submitted the following resolution:

Resolved, that a committee of   members be appointed to draft rules and regulations for the government of the President and Members of this Convention, and for the conducting the business thereof.

Mr. Morris proposed to fill said blank with the word "five," Which being agreed to by the Convention,

The question was then taken on the adoption of said resolution,

And decided in the affirmative.

Whereupon,

The President appointed Messrs. Morris, Stewart, Johnson, Magee and Lynch, the committee pursuant thereto.

Mr. Johnson submitted the following resolution:

Resolved, that the standing hour to which the Convention will adjourn be eight o'clock, A. M.

And the question thereon being taken,

It was decided in the negative.

On motion of Mr. Dickson,

The following resolution was adopted:

Resolved, that the Secretary be and he is hereby instructed to provide a suitable number of tables, and such other furniture as may be necessary for the use of the Convention.

The resolution offered by Mr. Wright, proposing to elect a Printer to the Convention having been withdrawn,

He submitted for the consideration of the Convention the following—

Resolved, that the Convention do now proceed to the election of a Printer to this Convention, who shall receive the same compensation for similar services as was allowed to the public printer for the last Legislature of this State; and that the same tellers who have conducted the elections to-day act as tellers.

Mr. Runnels moved that said resolution lie on the table,

And the question thereon being taken,

It was decided in the affirmative.

Mr. Farish offered the following resolution:

Resolved, that fifty copies of the present Constitution of this State be printed forthwith in pamphlet form for the use of this Convention.

Mr. Keegan proposed to amend said resolution as follows:

Amend by inserting after the word "resolved" the words "that the Secretary."

Which being agreed to by Mr. Farish,

The question was taken on the adoption of said resolution and resolved in the negative.

Mr. Magee proposed the following resolution:

Resolved, that the regular hour of commencing the business of this Convention each day shall be half-past nine, A. M.

Mr. Black moved an amendment thereto by striking out "half-past" which being agreed to by Mr. Magee,

An amendment was proposed by Mr. Stewart to strike out "nine" and insert in lieu thereof "half-past eight."

A division of the question being called for by Mr. Granberry,

The question was taken on striking out and decided in the negative.

The question was then taken on the adoption of said resolution, And resolved in the affirmative.

The following resolution was submitted by Mr. Wright:

Resolved, that the secretary of this Convention be authorized to contract for such printing as may be necessary for the Convention until a printer is appointed.

Mr. Keegan proposed an amendment thereto as follows:

Strike out after the word "to" in the second line and insert "have such job printing done as may be ordered by this Convention."

The said proposed amendment having been agreed to by Mr. Wright,

The question was taken on the adoption of the resolution,

And decided in the affirmative.

The President announced that the rules adopted for the government of the Convention, made it his duty to administer an oath to the Secretary of the Convention, for the true and faithful discharge of the duties of his office.

Whereupon,

The said oath of office was administered to the Secretary.

Mr. Farish offered the following resolution:

Resolved, That the Auditor of Public Accounts, be authorized and required to furnish this Convention with stationary.

Mr. Dickson moved to strike out "Auditor of Public Accounts," and insert "Secretary of this Convention."

The said proposed amendment having been agreed to by Mr. Farish.

The question was taken on the adoption of the resolution,

And decided in the affirmative.

Mr. Howard moved that the Convention adjourn—

And the question being taken thereon,

It was decided in the negative.

On motion of Mr. Hurst,

Resolved, That a Committee of Accounts be appointed, to consist of three members, and pursuant thereto Messrs. Hurst, Lynch and Duncan, were appointed.

Mr. Morris submitted the following resolution:

Resolved, That a Committee of Elections be appointed, to consist of —— members.

On motion of Mr. Johnson,

The blank in said resolution was filled with the word "five."

The question was then taken on the adoption of said resolution,

And decided in the affirmative.

Mr. Runnels submitted the following resolutions:

1. Resolved, That a committee be appointed to prepare and report to this Convention, a plan for so much of the Constitution to be adopted as relates to the judiciary department of the government.

2. Resolved, That a committee be appointed to prepare and report to this Convention, a plan for so much of the constitution to be adopted as relates to the legislative department of the government.

3. Resolved, That a committee be appointed to prepare and report to this Convention, a plan for so much of the constitution to be adopted as relates to the executive department of the government.

4. Resolved, That a committee be appointed to prepare and report to this Convention, a plan for so much of the constitution to be adopted as relates to objects not properly under the head of the executive, legislative or judicial departments.

5. Resolved, That a committee be appointed to prepare and report to this Convention, a schedule to the constitution, to be adopted by the Convention.

Which were on motion of Mr. Quitman,

Ordered to lie on the table.

Mr. Quitman then proposed the adoption of the following resolution.

Resolved, That a committee of —— members be appointed to devise and report what mode of proceeding will, in their opinion, be most expedient for the purpose of revising and amending the constitution of the state.

Mr. Runnels moved that said resolution lie on the table.

But before the question was taken thereon,

The Convention, on motion of Mr. Dickson, adjourned.

Tuesday, September 11, 1832.

The Convention met pursuant to adjournment.

When a motion was made by Mr. Johnson, to strike out from the journal of yesterday the detailed statement of the votes given in the election for President.

And the question thereon being taken.

It was resolved in the negative.

The following resolution was submitted by Mr. Magee:

Resolved, That Mr. William Mills, editor of the Advocate and Register, (a public paper printed at Vicksburg) be admitted to a seat within the bar of this house, for the purpose of taking notes of the proceedings of this Convention for publication in said newspaper—and that the Sergeant at Arms provide suitable accommodations in this respect.

Mr. Quitman moved to amend said resolution as follows:

Strike out "for publication in said newspaper."

And the question thereon being taken,

It was decided in the negative.

The question was then taken on the adoption of said resolution,

And decided in the affirmative.

On motion of Mr. Redd,

The following resolution was adopted.

Resolved, That R. P. Catlet, the editor of the Mississipian, a newspaper printed in the town of Vicksburg, be allowed the privilege of having a seat in this house, to report the proceedings of the same.

Mr. Trotter submitted the following resolution.

Resolved, That this Convention do proceed forthwith to the election of a Reporter, whose duty shall be to make under the direction of the President, an abstract of the proceedings and debates of this body.

Mr. Dickson moved that said resolution lie on the table.

And the question thereon being taken,

It was decided in the negative.

When on motion of Mr. Gale,

The farther consideration of said resolution was postponed until two o'clock this evening.

The following resolution was offered by Mr. Brandon:

Resolved, That the constitution of this state be referred to a committee of the whole, and be made the order of the day for ——.

Which on motion of Mr. Runnels, was ordered to lie on the table.

The following resolution was offered by Mr. Johnson, and ordered to lie on the table:

Resolved, That a committee to consist of one member from each senatorial district of the state, be appointed to report to the Convention such amendments and alterations as may be necessary to the present constitution, and that said committee report article by article as prepared.

Mr. Redd presented the petition of Simeon P. Shope, contesting the election of James Y. M'Nabb, a member from the county of Pike;

Which was referred to the Committee on Elections.

On motion of Mr. Gale.

It was ordered that the credentials of the members of this Convention, be referred to the Committee on Elections.

On motion of Mr. Runnels,

The Convention proceeded to the consideration of the resolutions which were offered by him on yesterday, and ordered to lie on the table, proposing to constitute sundry committees to prepare and report a plan, for much of the constitution to be adopted, as relates to the several departments therein mentioned.

When Mr. Quitman moved that said resolutions lie on the table.

And the question being taken thereon,

It was decided in the negative.

The following amendment was then offered by Mr. Grayson:

Strike out all after the word "resolved" and insert,

"That the most expedient method of bringing before the Convention any amendments to the constitution which may be proposed, will be to take up the existing constitution of Mississippi with the bill of rights, and regarding them for the purposes of examination and discussion, merely as a plan proposed and reported by a select committee to refer the same to a committee of the whole house, there to be examined section after section and to be dealt with in all other respects as a bill so refered by the house to that committee usually is."

Mr. Wright offered the following resolution:

Resolved, that the resolutions with the offered amendment be refered to a committee of ——— members.

On motion of Mr. Johnson,

Said blank was filled with the word "nine."

The question was then taken on the adoption of said resolution, and decided in the negative.

The question then recurred on Mr. Grayson's amendment;

When a division was called for by Mr. Morris which was first taken on striking out and decided in the affirmative.

The following amendment to said amendment was then proposed by Mr. Keegan, and acceded to by Mr. Grayson,

Strike out the words "to refer the same to a committee of the whole house."

The question then recurred on the amendment as amended,

But before the vote was taken thereon,

The Convention, on motion of Mr. Gale, adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment,

And proceeded to the consideration of the resolution offered on this day by Mr. Trotter, in relation to the election of a Reporter.

Mr. Hurst proposed the following amendment to said resolution:

After the word "body" add "under the direction of the tellers heretofore appointed."

Mr. Howard proposed to amend said amendment as follows:

After the word "appointed" add "and by ballot,"

And the question being taken thereon,

It was decided in the affirmative.

The question was then taken on the amendment as amended, and decided in the affirmative.

The question then recurred on the adoption of the resolution as amended, and was resolved in the affirmative.

The Convention then proceeded to said election.

Mr. Quitman proposed the name of Henry Vose, and

Mr. Scott that of Hugh L. French.

The ballot being taken,

Mr. Quitman, one of the tellers appointed to examine the ballots, reported the result as follows:

For Hugh L. French,	26, votes,
Henry Vose,	22

Mr. French having received a majority of the votes given, was declared to be duly elected.

Mr. Hurst offered the following resolution:

Resolved, that the Convention proceed forthwith to the election by ballot of a Reading Clerk to this Convention, under the direction of the tellers heretofore appointed.

Mr. Brandon proposed the following as an amendment to said resolution, which was acceded to by Mr. Hurst.

Amend by adding at the end of the resolution "and assistant secretary."

Whereupon,

The question was taken on the adoption of said resolution, and decided in the affirmative.

The Convention then proceeded to the election of a Reading Clerk.

Mr. Wright proposed the name of Aaron Lindsey.

Mr. Hurst that of John P. Gilbert, and

Mr. McRae that of Samuel N. Gilleland.

The ballot being taken,

The result was reported by Mr. Quitman, one of the tellers appointed to examine the ballots, as follows:

For Aaron Lindsey,	21 votes,
John P. Gilbert,	22
Samuel N. Gilleland,	5

The entire number of ballots having been 48 and 25 requisite for a choice, there was no election by this ballot.

The name of Samuel N. Gilleland, one of the candidates, having been withdrawn and a second ballot being taken, the result was as follows:

For Aaron Lindsey,	25 votes,
John P. Gilbert,	23

Whereupon,

It was announced by the President that Aaron Lindsey having received the largest number of votes given was duly elected Reading Clerk.

The Convention then proceeded to the election of an Assistant Secretary.

Mr. Wright proposed the name of Benjamin C. White,

Mr. Williamson that of William Barnes,

Mr. Quitman that of A. Albert Allen,

Mr. Magee that of Willis A. Farris,

Mr. Keegan that of Charles A. Fulsome,

And Mr. Scott that of Lewis Dent.

The ballot being taken,

The result was reported by Mr. Quitman, one of the tellers appointed to examine the ballots, as follows:

For Benjamin C. White,	5 votes,
William Barnes,	9
A. Albert Allen,	13
Willis A. Farris,	14

Charles A. Fulsome,	7
Lewis Dent,	0

Neither of the candidates having a majority of the whole number of votes given, and the name of Benjamin C. White being withdrawn, a second ballot was taken which resulted as follows:

For William Barnes,	8 votes,
A. Albert Allen,	20
Willis A. Farris,	12
Charles A. Fulsome,	8

Neither of the candidates having a majority of the whole number of votes given, and the names of William Barnes and Charles A. Fulsome being withdrawn, a third ballot was taken which resulted as follows:

For A. Albert Allen,	24 votes,
Willis A. Farris,	24

There being a tie there was of course no election; a fourth ballot was therefore taken, the result of which was as follows:

For A. Albert Allen,	23 votes,
Willis A. Farris,	25

So Willis A. Farris was duly elected Assistant Secretary.

On motion of Mr. Grayson,

The Convention again proceeded to the consideration of the resolutions offered by Mr. Runnels and the amendment proposed thereto,

And the question being taken on the said proposed amendment,

Was decided in the negative.

Yeas 16—Nays 32.

The yeas and nays being desired by Mr. Grayson and two other members,

Those who voted in the affirmative are:

Messrs. Black, Brandon, Duncan, Farish, Freeland, Gale, Grayson, Higgason, Keegan, Lynch, Morris, McRae, Pendleton, Seamon, Trotter, Wright—16.

Those who voted in the negative are:

Messrs. Pray, (president) Austin, Bacot, Cain, Dickson, Falconer, Floyd, Granberry, Greenleaf, Hicks, Howard, Hurst, Jefferson, Johnson, Jones *of Jones*, Jones *of Pike*, Kennedy, Knox, Lowe, Magee, McLaughlin, McMillan, McNabb, Pope, Quitman, Redd, Rose, Runnels, Scott, Stewart, Williams, Williamson—32.

So the amendment offered by Mr. Grayson did not prevail.

The following amendment was then offered by Mr. Quitman:

Strike out after the word "resolved" and insert,

"That the present bill of rights be referred to a committee to report whether any, and if any, what amendments and changes are necessary therein.

Resolved, that so much of the present constitution as relates to the Legislative department, be referred to a committee to report whether any, and if any, what amendments and changes are necessary therein.

Resolved, that so much of the present constitution as relates to the Executive department, be referred to a committee to report whether any, and if any, what amendments are necessary therein.

Resolved, that so much of the present constitution as relates to the Judicial department, be referred to a committee to report whether any, and if any, what amendments and changes are necessary therein.

Resolved, that the general provisions of the present constitution be referred to a committee to report whether any, and if any, what amendments and changes are necessary therein.

Mr. Magee offered to amend said amendment as follows:

Strike out after the word "that" in the first line and insert—

1. A committee of members be appointed to prepare and report alterations and amendments to the bill of rights, should any be deemed necessary and proper.

2. Resolved that a committee of members be appointed to prepare and report such amendments and alterations in the Legislative department of the Government, as may be deemed necessary and proper.

3. Resolved, that a committee of members be appointed to prepare and report such alterations and amendments, as may be deemed necessary and proper in the Executive department of the Government.

4. That a committee of members be appointed to prepare and report such alterations and amendments to the Judicial Department of the Government as may be deemed necessary and proper.

5. That a committee of members be appointed to prepare and report any amendments that may be deemed necessary and proper to the general and miscellaneous provisions in the Constitution, not embraced in the foregoing resolutions.

Mr. Dickson called for a division of the question;

Which was taken on striking out,

And decided in the negative.

The question was then taken on the amendment proposed by Mr Quitman,

And resolved in the affirmative.

Mr. Greenleaf proposed to amend said resolution, as follows:

Amend by inserting after the words "to a committee," in each resolution, the words "to consist of seven members."

Mr. Black moved to amend said amendment, by striking out the word "seven" and inserting the words "nine"—

But said motion did not prevail.

The question was then taken on the amendment proposed by M Greenleaf.

And decided in the negative.

Mr. Morris moved that the words "of five" be inserted after "committee" in the first of the said resolutions.

And the question thereon being taken,

It was decided in the affirmative.

On motion of Mr. Stewart,

It was ordered that the words "of five" be inserted after "committee" in the second of the said resolutions

Mr. Pendleton moved that the words "of seven" be inserted after "committee" in the third of said resolutions.

Mr. Farish moved that the words "of eleven" be inserted—

But his motion did not prevail.

When the question was taken on Mr. Pendleton's motion to insert "of seven"—

And decided in the affirmative.

Mr. Stewart moved to insert "of twenty-one" after the word "committee" in the fourth of said resolutions—

But his motion did not prevail.

When, on motion of Mr. Hurst,

It was ordered that the words "of fifteen" be inserted.

Mr. Morris moved that the words "of seven" be inserted in the fifth of the said resolutions after the word "committee."

Mr. Hurst moved that the words "of nine" be inserted.

And the question thereon being taken,

It was decided in the affirmative.

The question was then taken on the adoption of the said resolutions as amended,

And was decided in the affirmative.

Then the Convention adjourned.

Wednesday, September 12, 1832.

The Convention met pursuant to adjournment—

When a motion was made by Mr. Runnels, to reconsider the vote taken on yesterday, on the motion to erase from the Journal the detailed statement of the votes given in the election for President.

And the question thereon being taken,

It was decided in the negative.

The following committees were appointed by the President in pursuance of certain resolutions adopted on yesterday, referring the different departments of the constitution to sundry committees, with instructions to report whether any, and if any, what amendments and changes are necessary therein.

On the Bill of Rights.

Mr. Howard,	Mr. Rose,
Austin,	Seamon,
McMillan,	

On the Executive Department.

Mr. Jefferson,
Dickson,
Redd,
Jones, of Pike,
Mr. Pendleton,
Johnson,
Granberry.

On the Judicial Department.

Mr. Quitman,
Gale,
Lynch,
Runnels,
Farish,
McNabb,
Greenleaf,
Wright,
Mr. Kennedy,
Falconer,
Magee,
Hurst,
McLaughlin,
Scott,
Knox.

On the Legislative Department.

Mr. Brandon,
Morris,
Floyd,
Keegan,
Duncan,
Grayson,
Mr. Freeland,
Pope,
McRae,
Black,
Stewart.

General Provisions.

Mr. Trotter,
Williams,
Cain,
Higgason,
Hicks,
Mr. Lowe,
Williamson,
Bacot,
Jones, of Jones.

On motion of Mr. Dickson,

The Convention proceeded to the consideration of the resolution in relation to the election of a public printer.

Mr. Morris moved to amend said resolution as follows,

Strike out so much as relates to "ballot and tellers."

And the question being taken thereon,

It was decided in the negative.

Mr. Keegan proposed the following as an amendment to said resolution;

Strike out after the word "Resolved," and insert "that a committee of —— be appointed to receive proposals for the public printing"—

And the question being taken thereon,

It was decided in the negative.

Mr. Magee proposed to amend said resolution as follows:

Strike out after the word "Resolved," and insert "that Peter Isler, the public printer of the state, be the printer to this Convention.

Mr. Greenleaf moved to amend said amendment as follows:

Add after the words "this Convention," "and that he receive therefor the same compensation as heretofore paid by the Legislature for similar services"—

And the question being taken thereon,

It was decided in the negative.

The question then recurred on the amendment proposed by Mr. Magee,

And was decided in the affirmative.

The question was then taken on the adoption of the resolution as amended,

And passed in the affirmative.

On motion of Mr. Morris,

The following resolution was adopted.

Resolved, That the same privilege granted by this Convention to the editors of the Mississippian and Advocate and Register, be accorded to Henry Vose, editor of the State Chronicle.

On motion of Mr. Quitman,

The following resolution was adopted.

Resolved, That the Auditor of Public Accounts, be requested to prepare and furnish this Convention with a tabular statement, shewing the number of the free white population of each county in this state, the number of free white males over the age of twenty one therein, the number of taxable inhabitants, the area in acres of each county, and the quantity of land subject to taxation according to the last returns in his office.

Mr. Magee submitted the following resolution:

Resolved, That the Secretary of this Convention, cause to be printed forthwith, a sufficient number of the committees appointed, for the benefit of the members of this Convention.

And the question being taken thereon,

It was decided in the negative.

Mr. Brandon submitted the following resolution.

Resolved, That when the Convention adjourn, it shall adjourn until next, to give time to the committees appointed on the several parts of the constitution to prepare and make their reports.

The blank having on motion of Mr. Brandon, been filled with the word "Saturday,"

The question was taken on the adoption of the resolution,

And passed in the affirmative.

Mr. Jefferson proposed the following resolution:

Resolved, That the respective committees to which have been referred the several departments of government, and such other parts of the present constitution, as do not properly belong to the three great departments thereof, and who are required to report to this Convention, whether any, and if any, what alterations and amendments are necessary therein, do when they shall make their respective reports, present the same in the form of resolutions.

The following amendment was proposed by Mr. Black to said resolution, and

Acceded to by Mr. Jefferson—

Strike out from the words "and which have been required," to the words "and who are required," and insert "different parts of the constitution."

The question was then taken on the adoption of said resolution as amended,

And decided in the affirmative.

Mr. Scott submitted the following resolution.

Resolved, That it is expedient to constitute a Supreme Court, composed of Judges separate and distinct from those who hold the Circuit Courts—that said Judges shall hold their offices or appointments for the term of years, unless sooner removed under the provisions of the constitution—and that the committee on the Judicial Department be instructed to report an amendment accordingly—which

On motion of Mr. Black,

Was ordered to lie on the table.

On motion of Mr. Freeland,

The vote taken on the resolution for an adjournment of the Convention until Saturday next, was reconsidered; and

Thereupon,

It was ordered that said resolution lie on the table.

Mr. Wright submitted the following resolution:

Resolved, That all amendments and changes which shall be made in the present constitution of this state by this Convention, shall be submitted for approval to the people, and if it shall appear that a majority of the qualified electors voting for members of the General Assembly, shall at the next general election ratify and approve the same, they shall then form a part of the contitution of this state.

On motion of Mr. Black,

It was ordered that said resolution lie on the table.

Mr. Bacot moved a reconsideration of the vote taken on the resolution requiring the committees, to which have been referred different part of the constitution to present their reports in the form of resolutions, should they be of opinion that there are any alterations and amendments necessary to be made in the constitution.

And the question being taken thereon,

It was decided in the negative.

And then the Convention adjourned.

Thursday, September 13, 1832.

The Convention met pursuant to adjournment,

When Mr. Howard, from the committee to which was referred the present bill of rights to report whether any, and if any, what amendments and changes are necessary therein, reported that the committee had had the same under consideration and had instructed him to report that they are of opinion that the present bill of rights ought to be amended, and take the liberty to present to the Convention the following resolves which contain the substance of the amendments deemed necessary by the committee as additional sections to the present bill of rights.

1. Resolved, That no property-qualification for suffrage or eligibility to office shall ever be required by law in this State.

2. Resolved, That the people are capable of self-government and of electing their own officers, and ought to exercise this act of government directly through the ballot box, in all cases where they can with advantage and convenience do so; and that whenever the people delegate this inestimable power the reason and necessity for so doing shall be strong and imperative.

3. Resolved, That in order to preserve the principle of rotation in office so essential to a free government, and to prevent those who are vested with authority from becoming oppressors or unmindful of their duty as public servants, no person shall ever be appointed or elected to any office in this State for life or during good behaviour, but the tenure of all offices shall be for some limited period of time, if the person appointed or elected thereto shall so long behave well.

4. Resolved, That no person shall ever hold more than one office at the same time, except in such cases as are expressly excepted by this Convention.

5. Resolved, That in the government of this State the Legislative department shall never exercise the executive and judicial powers or either of them: that the executive shall never exercise the legislative and judicial powers or either of them: the judicial shall never exercise the executive and legislative powers or either of them, to the end that it may be a government of laws and not of men.

6. Resolved, That monopolies are odious and contrary to the spirit of a free government and the principles of commerce, and ought not to be suffered in any case whatever, except such as shall be expressly excepted in this Constitution.

7. Resolved, That the enumeration of certain rights shall not impair nor deny others retained by the people.

On motion of Mr. Brandon,

Said report was received,

And on motion of Mr. Hurst,

Ordered to lie on the table.

The following resolution was submitted by Mr. Redd,

And on motion of Mr. Black,

Ordered to lie on the table.

Resolved, That Henry S. Foote, Esq. be permitted to enter this House as counsel for S. P. Shope, of Pike county, in the case of the contested election between James Y. McNabb and said S. P. Shope.

Mr. Brandon, from the committee to which was referred so much of the present Constitution as relates to the Legislative department, reported that the committee had had the same under consideration, and had instructed him to report sundry resolutions proposing amendments thereto, which are as follows:

1. Resolved, That the first section of the third article of the present Constitution of the State of Mississippi, be so amended as to read in the following words, to-wit:

That every free white male person of the age of twenty-one years or upwards, who shall be a citizen of the United States and shall have resided in this State one year next preceding an election, and the last six months within the county, city or town in which he offers to vote, shall be deemed a qualified elector; and any such qualified elector who may happen to be in any county, city or town, other than that of his residence at the time of an election may vote for any State or District officer, as the case may be, in the same manner that he could do in the county of his residence.

2. Resolved, That the fifth section of the third article of said Constitution be so amended as to read in the following words, to-wit:

That the members of the House of Representatives shall be chosen by the qualified electors, and shall serve for the term of two years, from the day of the commencement of the general election and no longer.

3. Resolved, That the sixth section of the third article of said Constitution be so amended as to read in the following words, to-wit:

That the Representatives shall be chosen every two years on the Monday and day following in

4. Resolved, That the seventh section of third article of said Constitution be so amended as to read in the following words, to-wit:

That no person shall be a Representative unless he be a citizen of the United States, and shall have been an inhabitant of this State four years next preceding his election and the last year thereof, a resident of the county, city or town for which he shall be chosen, and shall have attained to the age of twenty-two years.

5. Resolved, That the ninth section of the third article of said Constitution be so amended as to read in the following words, to-wit:

That the General Assembly shall at periods of not less than three nor more than five years from the last census, cause an enumeration to be made of all the free white inhabitants of this State; and the whole number of Representatives shall at the several periods of making such enumeration be fixed by the General Assembly and apportioned among the several counties, cities or towns entitled to separate representation, according to the number of free white inhabitants in each, and shall not be less than thirty-six nor more than one hundred. Provided, however, that each county shall always be entitled to at least one representative.

6. Resolved, That the eleventh section of the third article of said Constitution be so amended as to read in the following words, to-wit:

That the Senators shall be chosen by the qualified electors for four years, and on their being convened in consequence of the first election they shall be divided by lot from their respective districts into two classes as nearly equal as can be. The seats of the Senators of the first class shall be vacated at the expiration of the second year.

7. Resolved, That the fourteenth section of the third article of said Constitution be so amended as to read in the following words, to wit:

"That no person shall be a Senator unless he be a citizen of the United States, and shall have been an inhabitant of the State four years next preceding his election and the last year thereof a resident of the district for which he shall be chosen, and shall have attained to the age of twenty-six years."

8. Resolved, That the seventeenth section of the third article of said Constitution be so amended as to read in the following words, to wit:

"That each House shall keep a journal of its proceedings, and publish the same; and the yeas and nays of the members of either House on any question shall, at the desire of any three members present, be entered on the journals."

9. Resolved, That the twenty-first section of the third article of said Constitution be so amended as to read in the following words, to wit:

"That the doors of each House shall be open, except on such occasions of great emergency as in the opinion of the House may require secrecy.

10. Resolved, That the twenty-seventh section of the third article of said Constitution be amended so as to read in the following words, to wit:

"That no Judge of any Court of Law or Equity, Secretary of State, Attorney General, Clerk of any Court of Record, Sheriff, or Collector, or any person holding a lucrative office under the United States or this State, shall be eligible to the General Assembly: *Provided*, that officers in the Militia to which there is attached no annual salary, or the office of Justice of the Peace, or Associate Justices of the County Court or Courts shall not be deemed lucrative."

11. Resolved, That the twenty-ninth section of the third article of said Constitution be amended so as to read in the following words, to wit:

"That the first election for Senators and Representatives shall be general throughout the State, and shall be held on the Monday and day following in and thereafter there shall be biennial elections for Senators to fill the places of those whose term of service may have expired."

12. Resolved, That the thirtieth section of the third article of the said Constitution be so amended as to read in the following words, to wit:

"That the first and all future sessions of the General Assembly of this State shall be held at the town of in the County of until the year eighteen hundred and fifty: That the first session shall commence on the Monday of in the year eighteen and one in every two years thereafter, at such time as may be prescribed by law.

On motion of Mr. Brandon,

Said report was received; and

On motion of Mr. Gale,

Ordered to lie on the table.

On motion of Mr. Quitman,

The following resolution was adopted.

Resolved, That the committee to whom was referred so much of the present Constitution as relates to the Judicial Department have leave to employ a Clerk during their sitting.

Mr. Higgason submitted the following resolution:

Resolved, That the Secretary have one hundred copies of the report of the committee on the Bill of Rights, and the same number of copies of the report of the committee on the Legislative Department, printed for the use of the Convention; and that the same be printed in pamphlet form.

Mr. McNabb moved to amend said resolution, by striking out "one hundred" and inserting in lieu thereof "five hundred."

Which being acceded to by Mr. Higgason—

The following motion was made by Mr. Dickson, to amend said resolution; which was also acceded to by Mr. Higgason.

Amend by striking out the words "pamphlet form."

The question was then taken on the adoption of said resolution as amended—

And passed in the affirmative.

Mr. Pendleton, from the committee on Elections, to whom was referred the petition of Simon P. Shope, on the subject of contested election between James Y. McNabb and said Simon P. Shope—

Reported, that the committee had investigated the petition, together with the accompanying affidavit of the said S. P. Shope contesting the seat in the Convention of James Y. McNabb from Pike county, and had instructed him to report that sufficient evidence has been exhibited to justify an investigation by this Convention; and to ask what further notice they shall take on the subject.

On motion of Mr. Black,

Said report was received, and ordered to lie on the table.

Mr. Black submitted the following resolution:

Resolved, That the committee appointed on the petition of S. P. Shope be instructed to report to the Convention all the facts relative to the election of petitioner and J. Y. McNabb the attending member; and that said committee have power, in the name of the Chairman thereof, under his hand and seal, to summon all witnesses thought by said committee to be necessary, and to administer by their Chairman to any witness or witnesses the usual oath, and that said committee have power to send for persons and papers.

Mr. Redd proposed to amend said resolution as follows:

Amend by adding at the end of the resolution, "and that the Sergeant at Arms be directed to execute that duty."

Mr. Quitman moved to amend said amendment as follows:—strike out "be directed to."

Which having been acceded to by Mr. Black,

The question was taken on the amendment as amended—

And passed in the affirmative.

Mr. Quitman then proposed to amend said resolution, as follows.

Insert after the word "facts" "which they may deem pertinent to this matter."

This amendment having also been agreed to by Mr. Black,

The question was taken on the adoption of the resolution as amended,

And resolved in the affirmative.

On motion of Mr. Redd,

The Convention proceeded to the consideration of the resolution introduced by him on this day, and ordered to lie on the table, proposing that Henry S. Foote, Esq. be permitted to enter this House as counsel for S. P. Shope, of Pike county, in the case of contested election between James Y. McNabb and said S. P. Shope.

Which, on motion of Mr. Black,

Was *again* ordered to lie on the table.

And then the Convention adjourned.

Friday, September 14, 1832.

The Convention met pursuant to adjournment,

When the President remarked that the resolution which had been adopted in relation to the election of a Reporter, made it the duty of that officer to make under the direction of the President an abstract of the debates of the Convention—that the resolution was inexplicit and did not sufficiently point out his duty—that he wished the Convention to instruct him more specifically as to the manner in which the duty assigned him should be performed.

The following communication was received from T. B. J. Hadley, Auditor of Public Accounts.

AUDITOR'S OFFICE,
SEPTEMBER 14, 1832.

To the Honorable the Convention
of the State of Mississippi:

In reply to a resolution of the Convention requiring the Auditor of Public Accounts to prepare and furnish the Convention with a tabular statement, shewing the number of the free white population of each county in the State, the number of free white males over the age of twenty-one therein, the number of taxable inhabitants, the *area* in acres in each county, and the quantity of land subject to taxation according to the last returns. I beg leave respectfully to state that I would most cheerfully comply with the requisition of the Convention, if my office afforded any data from which I could give officially the information required.

For the information desired in the first part of the resolution, I respectfully refer the Convention to the Secretary of State, to whose office the census returns are made and for the valuation of each subject of taxation the number of slaves taxable, and the number of free white males above the age of twenty-one and under the age of fifty years. I also beg leave to refer you to my report of last year, in which is a tabular statement shewing the amount of each in each county in the State, I have many of those reports already printed, and will, with pleasure, furnish the members that may desire them.

To furnish the Convention with the quantity of land subject to taxation in each county in the State would require the labor of at least a week in making the additions of the different assessment returns, without affording, in my humble opinion, the least evidence of the real *area* of each county. For example; the counties of Yazoo, Washington, Hinds, Rankin, and Jones are supposed to contain an *area* equal to those of Adams, Wilkinson, Claiborne, Warren and Jefferson: Yet Yazoo and Washington have paid no tax on lands, and Hinds, Rankin and Jones have paid a tax only on a few sections. So it would be impossible to form the smallest idea of the *area* of those counties from the assessment returns of the lands taxable in them.

Should the Convention however desire that I should furnish the number of acres taxable in each county, I will cheerfully undertake the task and furnish it as soon as possible.

T. B. J. HADLEY,
Auditor of Public Accounts.

Said communication was read; and

On motion of Mr. Quitman,

Ordered to lie on the table.

Mr. Howard submitted the following resolutions;

Which, on motion of Mr. Floyd,

Were ordered to lie on the table.

1. Resolved, That inasmuch as our free and invaluable political institutions owe their permanency to their being based and having their foundation in enlightened public opinion and sound public morals, and the general diffusion of the advantages of education being essential to the preservation of the rights and liberties of the people; therefore the subject of education is particularly deserving the attention and encouragement of this Convention.

2. Resolved, That it is expedient to give the Legislature power to incorporate, and from time to time liberally endow, one University for the State of Mississippi.

3. Resolved, That it is expedient to give the Legislature power to incor-

porate, and from time to time liberally endow, one College in this State for the education of Females.

4. Resolved, That the Legislature also have power, if they deem it expedient, further to endow the literary institutions of this State.

5. Resolved, That for the purpose of establishing primary and free schools, it shall be the duty of the Legislature to prescribe some mode whereby the several counties of this State shall be divided into suitable School districts.

6. Resolved, That it shall be the duty of the Legislature to cause the Literary Fund, or portions thereof, to be annually divided among the several counties in this State and districts therein, according to the number of white inhabitants in each from three to eighteen years old.

7. Resolved, That it shall be the duty of the Legislature to cause the number of white inhabitants in this State between the ages aforesaid, to be ascertained as often as once in   years; and that they shall cause a tax to be levied annually for the support of free schools, of not less than fifty cents for each white inhabitant over the age of three years and under the age of eighteen years; which tax shall be assessed on the property of the State, and distributed in manner aforesaid.

8. Resolved, That no tax or taxes on law process shall ever be allowed in this State, the same being unequal, unjust and oppressive.

9. Resolved, That the levying of taxes by the poll is grievous and oppressive; therefore the Legislature shall never levy a poll tax for State purposes.

Mr. Jefferson, from the committee to which was referred the Executive Department of the Constitution, reported, that the committee had had the same under consideration, and had instructed him to make the following report.

1. Resolved, That the supreme executive power of this State shall be vested in a Governor, who shall hold his office for two years from the time of his installation.

2. Resolved, That the Governor shall be elected by the qualified electors of the State, at the places where they shall respectively vote for Representatives. The returns of every election for Governor shall be sealed up and transmitted to the Seat of Government, directed to the Secretary of State; who shall deliver them to the Speaker of the House of Representatives at the next ensuing session of the General Assembly,—during the first week of which session the said Speaker shall open and publish them in presence of both Houses of the General Assembly. The person having the highest number of votes shall be Governor; but if two or more shall be equal and highest in votes, one of them shall be chosen Governor by the joint ballot of both Houses.

Contested elections for Governor shall be determined by both Houses of the General Assembly in such manner as shall be prescribed by law.

3. Resolved, That the Governor shall be at least thirty years of age; shall have been a citizen of the United States for twenty years; shall have

resided in this State at least five years next preceding the day of his election: and shall not be capable of holding the office more than four years in any term of eight years.

4. Resolved, That he shall at stated times receive a compensation for his services; which shall not be increased or diminished during the time for which he shall have been elected.

5. Resolved, That he shall be Commander in Chief of the Army and Navy of this State and of the Militia; except when they shall be called into the service of the United States.

6. Resolved, That he may require information in writing from the officers in the Executive Department on any subject relating to the duties of their respective offices.

7. Resolved, That he may in cases of emergency convene the General Assembly at the Seat of Government; or at a different place, if that shall have become since their last adjournment dangerous from an enemy or from contagious disorders. And in case of disagreement between the two Houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not beyond the day of the next stated meeting of the General Assembly.

8. Resolved, That he shall from time to time give to the General Assembly information of the state of the government, and recommend to their consideration such measures as he shall deem necessary and expedient.

9. Resolved, That he shall take care that the laws be faithfully executed.

10. Resolved, That in all criminal and penal cases, except in those of treason and impeachment, he shall have power to grant reprieves and pardons, and remit fines and forfeitures. In cases of treason he shall have power to grant reprieves and pardons by and with the advice and consent of the Senate; but may respite the sentence until the end of the next session of the General Assembly.

11. Resolved, That all commissions shall be in the name and by the authority of the State of Mississippi, be sealed with the great seal and signed by the Governor and attested by the Secretary of State.

12. Resolved, That there shall be a seal of this State which shall be kept by the Governor and used by him officially, and shall be called the great seal of the State of Mississippi.

13. Resolved, That when any officer whose appointment is by this constitution vested in the General Assembly or in the qualified electors of the State, district or county whose officer he is, shall during the recess of the General Assembly or more than thirty days before a regular periodical election by such qualified electors is fixed by law to take place to fill such office, die, resign, be removed, or his office by other means become vacant, the Governor shall have power to fill such vacancy by granting a commission which shall expire at the end of the next session of the General Assembly, or when a successor shall be duly elected by the qualified electors as the case may be, except in cases otherwise di-

rected by this Constitution, when any office the appointment to which is by this Constitution vested in the qualified electors of the State, any district or county shall become vacant at any time more than thirty days before such regular periodical election, the Governor shall issue a writ requiring an election to be held at the respective places, and in the manner prescribed by law to fill such vacancy.

14. Resolved, That a Secretary of State shall be appointed by a joint ballot of both Houses of the General Assembly, who shall continue in office during the term of two years—he shall keep a fair register of all the official acts and proceedings of the Governor, and shall when required lay the same and all papers, minutes and vouchers relative thereto before the General Assembly, and shall perform such other duties as may be required of him by law.

15. Resolved, That every bill which shall have passed both Houses of the General Assembly shall be presented to the Governor, if it be in his opinion constitutional he shall sign it, but if not he shall return it with his objections to the House in which it shall have originated, who shall enter the objections at large upon their journals, and proceed to reconsider it; if after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent with the objections to the other House, by which it shall likewise be reconsidered, if approved by two-thirds of that House it shall become a law, but, in such case, the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each House respectively; if any bill shall not be returned by the Governor within six days (Sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if he had signed it, unless the General Assembly by their adjournment prevent its return; in which case it shall not become a law.

16. Resolved, That every order, resolution or vote to which the concurrence of both Houses may be necessary, except resolutions for the purpose of obtaining the joint action of both Houses and on questions of adjournment shall be presented to the Governor, and before it shall take effect be approved by him or being disapproved, shall be repassed by both Houses according to the rules and limitations prescribed in the case of a bill.

17. Resolved, That whenever the office of Governor shall become vacant by death, resignation, removal from office or otherwise, the President of the Senate shall exercise the office of Governor until another Governor shall be duly qualified; and in case of the death, resignation or removal from office, or other disqualification of the President of the Senate so exercising the office of Governor, the Speaker of the House of Representatives shall exercise the office, until a President of the Senate shall have been chosen; and when the office of Governor, President of the Senate and Speaker of the House shall become vacant in the recess of the Senate, the person acting as Secretary of State for the time being

shall by proclamation convene the Senate, that a President may be chosen to exercise the office of Governor.

18. Resolved, That whenever either the President of the Senate or the Speaker of the House of Representatives shall so exercise said office he shall receive the same as, and only the compensation of Governor; but his duties as President or Speaker shall be suspended, and the Senate or House of Representatives, as the case may be, shall fill the vacancy until his duties as Governor shall cease.

19. Resolved, That a sheriff and one or more coroners shall be elected in each county by the qualified voters thereof, who shall hold their offices for two years, unless sooner removed, but who shall not be eligible more than four years in any term of eight years.

20. Resolved, That a State Treasurer and an Auditor of Public Accounts shall be elected by a joint vote of both Houses of the General Assembly, who shall hold their offices for a term of two years, unless sooner removed.

On motion of Mr. Granberry,

Said report was received, and ordered,

On motion of Mr. Trotter,

To lie on the table.

On motion of Mr. Trotter,

The following resolution was adopted.

Resolved, That five hundred copies of the report of the executive committee be printed for the use of the members of this Convention.

On motion of Mr. Pendleton,

The Convention proceeded to the consideration of the resolution instructing the committee on elections, to which was referred the petition of Simon P. Shope, to report to the Convention all the facts relative to the election of said Shope and James Y. McNabb, the attending member, and send for persons and papers.

On motion of Mr. Quitman,

Said resolution was ordered to lie on the table.

Mr. Pendleton called for the consideration of the report of the committee on elections, in the case of contested election between Simon P. Shope and James Y. McNabb,

Which call being sustained by the Convention, said report was,

On motion of Mr. Pendleton, withdrawn.

Another report was then presented by Mr. Morris, the chairman of said committee, on the said subject of contested election, which having been received by the Convention, on a motion made by Mr. Morris,

Was ordered, on motion of Mr. Black,

To lie on the table.

The following resolution was submitted by Mr. Quitman, and ordered to lie on the table.

Resolved, That it is expedient to amend the present bill of rights by striking out the nineteenth and twentieth sections, and inserting the following section:

"No conviction for any offence shall work corruption of blood or forfeiture of estate—the Legislature shall pass no bill of attainder, expost facto law, nor law impairing the obligation of contracts."

Mr. Williamson submitted the following resolution, which was ordered to lie on the table.

Resolved, That a committee of   members be appointed to select some suitable person to ascertain the true geographical centre of the State, and report thereon.

And then the Convention adjourned.

Saturday, September 15, 1832.

The Convention met pursuant to adjournment—

When the following report was made by Mr. Magee:

MR. PRESIDENT:

The committee appointed in pursuance of a resolution of this body to draft rules and regulations for the government of this Convention, beg leave to report, that they have had the same under consideration and are of opinion that the standing rules and orders of the former Convention, together with such of the rules of the General Assembly as are applicable should be adopted. Your committee are further of opinion that it is expedient to adopt the following rules.

1. That the proceedings of the Convention whilst in committee of the whole shall be entered on the journals in the same manner as proceedings in the House usually are.

2. Whilst in committee of the whole, no member shall speak more than twice to the same question, without leave of the committee.

3. Whilst in committee of the whole the President shall retain the Chair, except when he may wish to discuss any question before the committee.

Said report having been received, on a motion made by Mr. Magee,

He then moved that it be agreed to by the Convention.

Whereupon,

A motion was made by Mr. Quitman that said report lie on the table.

And the question being taken thereon,

It was decided in the negative.

A motion was then made by Mr. Johnson, that the farther consideration of said report be postponed until two o'clock, this evening.

Mr. Dickson moved its postponement until Monday next, the longest time according to the rules of the Convention claiming priority.

The question was then taken on Mr. Dickson's motion,

And resolved in the affirmative.

Mr. Morris made the following report:

MR. PRESIDENT:

The undersigned, one of the committee on Elections, and to whom was referred the petition of Mr. Simon P. Shope, contesting the election of Mr. James Y. McNabb to a seat in this Convention, begs leave to submit the following as his individual report:

The report of the majority of the committee say that they are of opinion that there is sufficient evidence before them to authorize a further investigation into this case; to which opinion the undersigned dissents for the following reasons, to wit:

1. Because the first specification in the petition of the said Shope is ingenious, vague and uncertain, in this, that it does not set out whether the sheriff by his first vote voted for any or either of the said candidates, or any other candidate for the Convention.

2. Because the undersigned is clearly of the opinion that the sheriff when returning officer is entitled to vote at the polls (not as sheriff but as a citizen) for all and every officer for which the election shall then be held, and in case there should be a tie between any two or more of the candidates of which some one or more must be declared elected to complete the number required, that it then becomes the *duty*, in contradistinction to *right*, of the returning officer to give the casting vote in favor of some one or more of the candidates, as the case may require.

3. Because the undersigned is of the opinion that the inspectors of elections, when duly appointed and acting under the solemnity of an oath, are, and ought to be, the sole judges of the qualifications of electors, and that unless an objection to an elector is made at the polls that their decision is, and ought to be final, and that no appeal whereby the same might be reversed ought ever after to be allowed or granted.

4. That because, in the opinion of the undersigned, that nothing short of a sufficient shewing that either force, bribery or corruption had been used to secure the election or the certificate of an election, or that the certificate had by mistake or intention been given to the candidate not elected, or that the votes of some one or more of the precincts had been lost or destroyed, in whole or in part, after the polls were closed and the inspectors had certified the return thereof and sealed the box, ought to be grounds sufficient to constitute an inquiry as to the illegality or mismanagement of any election.

5. Because that in opinion of the undersigned no qualified elector can be called on to state for whom he voted, much less can any voter, be called on to say that he was at that time of giving such vote a qualified elector, no man can be called on to testify to any fact the affirmative of which would subject him to fine and disqualification.

6. Because that in the opinion of the undersigned that unless the Convention could arrive at that very point of certainty which would enable it,

to determine beyond the possibility of a doubt a fact, which, if the foregoing premises be true, not likely to be ascertained, which of the contending candidates did receive the greatest number of legal votes, that this Convention will not undertake to say that the certificate of the returning officer according to the directions of the inspectors, is not the best and sufficient evidence of the fact of who was duly elected.

7. Because that in the opinion of the undersigned that whenever such partiality or mismanagement hath been shown or had in the conducting of an election so as to injure or oppress either, or any of the candidates, or to violate the rights of a majority of the qualified electors, that the *people* will petition for redress, and that unless a showing of this nature is made, that no legislative body ought to waste their time and the *money of the people* in deciding a mere personal contest between two individuals, when the same has already once been settled according to the due forms of law.

Said report having been received,

On a motion made by Mr. Pendleton,

He then moved that it lie on the table,

And the question thereon being taken,

It was decided in the affirmative.

Mr. Pendleton called for the consideration of the report of the committee on elections, in relation to the contested election between Simon P. Shope and James Y. McNabb, and said call being sustained by the Convention,

A motion was made by Mr. Pendleton that said report be agreed to.

Mr. Black moved that its farther consideration be postponed until Monday next,

And the question thereon being taken,

It was decided in the negative.

Mr. Quitman moved that its farther consideration be postponed until two o'clock, P. M. on this day,

And the question being taken thereon,

It passed in the affirmative.

On motion of Mr. Quitman,

The following resolution was adopted.

Resolved, That Simon P. Shope, Esq. the petitioner in the case of the contested election from Pike county, be permitted to lay before this Convention such other and further testimony as may be in his possession, in support of his petition.

On motion of Mr. Howard,

The Convention proceeded to the consideration of the resolution in the case of contested election between S. P. Shope and James Y. McNabb, which, on motion of Mr. Farish,

Was *again* ordered to lie on the table.

Mr. Quitman submitted the following resolution:

Resolved, That Simon P. Shope, Esq. the petitioner in the contested election from Pike county, be permitted to be heard on the question of agreement and disagreement to the report of the committee on elections.

Mr. Wright proposed to amend said resolution as follows:

Amend by adding after the word "heard" in the third line the word "by himself or counsel."

A debate arising thereon,

When Mr. Wright withdrew his amendment in consequence, as he stated, that the proceedings had on the subject matter of said resolution, were out of order.

The President, thereupon, decided that the proceedings had thereon were in order.

A motion was then made by Mr. Runnels, that the Convention adjourn till two o'clock, P. M. on this day,

And the question thereon being taken,

It was decided in the negative.

A motion was then made by Mr. Keegan to renew the motion made by Mr. Wright, which had been withdrawn, proposing to insert after the word "heard" in the third line "by himself or counsel."

The question then recurred on the said amendment,

And after debate thereon,

The previous question was called for by Mr. Keegan;

And being demanded by a majority of the members present,

The said previous question was put, viz: shall the main question be now put? and passed in the affirmative.

The said main question was then put, viz: will the Convention agree to the amendment? and decided in the negative.

Mr. Magee proposed the following as an amendment to said resolution:

Strike out after the word "heard" and insert "by himself or counsel or both."

And the question thereon being taken,

It passed in the affirmative.

The question was then taken on the adoption of said resolution as amended, and decided in the affirmative.

Mr. Pendleton submitted the following resolution:

Resolved, That the report of the committee on the contested election of James Y. McNabb by Simon P. Shope, be referred to a select committee to consist of members, with instructions to take up the whole subject with power to send for persons and papers, if in their udgment it shall be necessary.

On motion of Mr. Wright,

The following resolution was adopted:

Resolved, That the Reporter appointed to report an abstract of the proceedings and debates of this House, be directed to lay before this House on Monday next the proceedings and debates as taken by him from the first day of the meeting of this Convention, including the proceedings of this day, for the inspection of the President and members of this Convention.

Then the Convention adjourned until half past 2 o'clock, P. M.

HALF-PAST TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment,—

And resumed the consideration of the motion to agree to the report of the committee on elections, in the case of contested election between Simon P. Shope and James Y. McNabb.

On motion of Mr. Pendleton,

The documentary evidence accompanying said report was read and is as follows:

Personally appeared before the committee on Elections Mr. Simon P. Shope, who after being duly sworn, saith that he believes the charges and allegations set forth in his petition, contesting the election of Mr. James Y. McNabb, are true and that he further believes he can support the same by competent testimony.

SIMON P. SHOPE.

Swore to before the committee,

J. J. H. MORRIS, Chairman.

STATE OF MISSISSIPPI,
PIKE COUNTY.

I, David Girtman, do hereby certify that I voted on the 7th day of August, 1832, for James Y. McNabb, and not for S. P. Shope; and further certify that the inspectors of said election asked me no questions.

Given under my hand, this 6th day of September, 1832.

DAVID GIRTMAN.

STATE OF MISSISSIPPI,
PIKE COUNTY.

I, Bartholomew Girtman, do hereby certify that the above named David Girtman, my son, is not twenty-one years of age until the 29th day of September, 1832.

Given under my hand, this 6th day of September, 1832.

BARTHOLOMEW GIRTMAN.

STATE OF MISSISSIPPI,
PIKE COUNTY.

I, Thomas Norman, Sheriff of Pike County, do hereby certify that I was returning officer of an election held on the 6th and 7th days of August, 1832, in said county, and certify that the returning officer of the election held at the house of Bird Buford, returned no list of the voters nor the names of any persons that voted at that precinct; but the votes were carefully sealed up in a paper-box, and the names of the managers written across the different seals when returned to me at Holmesville on the 7th August, 1832, and if not mistaken I received a certificate from the managers that the return was a true account of the number of votes given at that place.

THOMAS NORMAN, Sheriff.

STATE OF MISSISSIPPI, }
PIKE COUNTY. }

I, Harvill Carter, hereby certify that on the 6th day of August, 1832, at an election held at James Houston's store I was returning officer of said precinct, and that the election was not conducted according to law—in this, that one Thomas Hollman offered to vote, being in my opinion a legal voter, and his vote was received and put into the ballot box, and afterwards the said box was broken open and a number of tickets taken out and were opened, and search was made for said Hollman's vote and at last a ticket was found which was said to be his and taken out but not returned, nor was the said Hollman suffered to vote afterwards; and I further certify that one other voter was not suffered to vote, which I believe was justly entitled to vote.

Given under my hand and seal, this 9th day of August, 1832.

HARVILL CARTER, [L. S.]

STATE OF MISSISSIPPI, }
PIKE COUNTY. }

I, Thomas Norman, as Sheriff and returning officer of said county, do certify that Havil Carty was duly appointed one of the returning officers of an election held in said county, on the 6 and 7th days of August, 1882.

THOMAS NORMAN, Sheriff.

STATE OF MISSISSIPPI, }
PIKE COUNTY. }

I, Thomas Norman, returning officer of Pike county, at an election held in said county, on the 6th and 7th days of August, 1832, certify that upon counting out the votes, it appeared that James Y. McNabb, and Simon P. Shope, had an equal number of votes; and it become my duty to give the casting vote, and thereupon, I give it in favor of James Y. McNabb.

THOMAS NORMAN, Sheriff.

September 6th, 1832.

The reading of the report of the minority of the committee on elections being called for by Mr. Keegan, and said call being sustained by the Convention, the said report was thereupon read.

Whereupon,

On motion of M. Quitman,

The following resolution was adopted:

Resolved, That the President of this Convention be requested now to inform S. P. Shope that the Convention is ready to hear him by himself or counsel, or both on the question of agreement or disagreement to the report of the committee on elections.

Mr. President then announced to Mr. Shope, that he was instructed by the Convention to inform him that he could now be heard at the bar of the Convention by himself or counsel, or by both on the question of agreement or disagreement, to the report of the committee on elections: and thereupon, directed the Sergeant at Arms to make the necessary preparations for the reception of Simon P. Shope, and Henry S. Foot, Esq. his counsel, when they appeared at the bar of the Convention and took the seats prepared for them.

Mr. Wright then submitted the following resolution:

Resolved, That the petition and accompanying documents contesting the election of James Y. McNabb, be recommitted to the committee on elections, with instructions to report whether or not James Y. McNabb was duly elected, if not, whether or not Simon P. Shope was duly elected, and if said committee report the said Shope duly elected, that it report the facts and evidence on which the report is founded.

And the question thereon being taken,

It was decided in the negative.

Mr. President then submitted for the consideration of the Convention, the following documentary evidence which had been presented to him by Mr. Howard, the member from Rankin county.

Which was read; and

On motion of M. Black,

Ordered to lie on the table.

STATE OF MISSISSIPPI, }
HINDS COUNTY. }

Personally came before the undersigned, a Justice of the Peace, in and for the county aforesaid, Lawrence Dillon, who being duly sworn, saith on oath that on the 6th day of August, 1832, one Daniel Graves, late of the State of Louisiana, voted at an election held in the county of Pike, and that the said Daniel Graves informed this deponent that he, the said Daniel voted for James Y. McNabb, and did not vote for Simon P. Shope, and this deponent further says, that the said Daniel informed him before the election that he, the said Daniel was not entitled to a vote, and has since informed this deponent that he, the said Daniel knew his vote to be illegal and this deponent further says, that the said Daniel removed from Pike county four or five years ago, and that he has not resided in that county until this year, and further says, that the said Daniel was not a citizen of Pike county the last six months next preceding the election, nor was he the said Daniel a citizen of this State the last twelve months last preceding the election, and this deponent further says, that he is well acquainted with the said Daniel, and the time of his coming to the county of Pike from the State of Louisiana, and this deponent further says, that he examined the list of voters at the Holmsville precinct, and that he found the name of James W. Ails in said list, and the said Ails informed him that he did vote at said election, and that he voted for James Y. McNabb, and did not vote for Simon P. Shope, and further says, that the said Ails informed him that he, Ails had removed from the county of Marion into the county of Pike about three months before the election, and that he the said Ails was not living in Pike county the last six months preceding the August election, and that he had lived in Marion county eight months previous to his coming into Pike county to live.

LAWRENCE DILLON

Sworn to, and subscribed before me, this
15th day of September, 1832.
J. C. ISBELL, J. P. (SEAL.)

Then Henry S. Foot, Esq. the counsel for Mr. Simon P. Shope rose, and addressed the Convention on the question of agreeing to the report of the committee on elections.

On the closing of the arguments of Mr. Foot and Mr. Shope,

Mr. Hurst moved that the Convention adjourn till half past 7 oclock, P. M.

And the question thereon being taken,

It was decided in the negative.

The question then recurred on agreeing to the report of the committee.

And after further debate thereon,

The previous question was called for by Mr. Dickson,

When a motion was made by Mr. Quitman that the Convention adjourn ll half past 7 o'clock, P. M.,

Mr. Williamson then made a motion to adjourn till Monday next.

And the question thereon being taken,

It was decided in the negative.

The question then recurred on Mr. Quitman's motion to adjourn till half past 7 o'clock, P. M.

Which was also decided in the negative.

The question then recurred on Mr. Dickson's call for the previous question—

Which call being sustained by a majority of the members present,

The said previous question was put, viz:

Shall the main question be now put?

And passed in the affirmative.

A motion was then made by Mr. Williamson for a reconsideration of the vote taken on the previous question;

And the question being taken thereon,

It was resolved in the negative.

A motion was then made by Mr. Quitman, that there be a call of the House.

And the question being put;

It passed in the affirmative.

The roll of the members was then called by the Secretary,

When the following named members answered to their names:

Messrs. William J. Austin, Laban Bacot, John Black, Gerard C. Brandon, Isaiah Cain, David Dickson, Stephen Duncan, Thomas P. Falconer, Edward T. Farish, Richard F. Floyd, Thomas Freeland, Seth Granberry, Spence M. Grayson, Daniel Greenleaf, Vernon C. Hicks, George Higgason, N. G. Howard, Richard Hurst, Cicero Jefferson, Joseph Johnson, Nathaniel Jones, A. M. Keegan, Benjamin Kennedy, Andrew Knox, John B. Lowe, Charles Lynch, Eugene Magee, Dugal McLaughlin. Daniel McMillan, J. J. H. Morris, Jas. Y. McNabb, David McRae, Joseph W. Pendleton, Frederick Pope, John A. Quitman, William J. Redd, William P. Rose, Howel W. Runnels, James Scott, William C. Seamon, Richard A. Stewart, James F. Trotter, Putnam T. Williams, R. M. Williamson.

The question then recurred on the main question, viz:

Will the Convention agree to the said report of the committee?

But before the vote was taken, a motion was made by Mr. Johnson that Mr. McNabb be excused from voting on said question.

And the question being taken thereon,

It was decided in the affirmative.

A motion was then made by Mr. Farish, that Mr. Scott be also excused.

And the question being put,

It was decided in the negative.

The question was then taken on the main question of agreeing to the report of said committee,

And decided in the negative.

Yeas 3—Nays 42.

The yeas and nays being demanded by Mr. Dickson, and two other members—

Those who voted in the affirmative are—

Messrs. Cain, Hurst, Stewart—3.

Those who voted in the negative are—

Messrs. Pray, (president,) Austin, Bacot, Black, Brandon, Dickson, Duncan, Falconer, Farish, Floyd, Freeland, Granberry, Grayson, Greenleaf, Hicks, Higgason, Howard, Jefferson, Johnson, Jones, of Jones, Keegan, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, Morris, McRae, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Scott, Seamon, Trotter, Williams, Williamson, Wright—42.

The Convention having disagreed to the said report of the committee on elections,

It was ordered, on motion of Mr. Dickson, that the same be indefinitely postponed.

And then, on motion of Mr. Rose,

The Convention adjourned 'till 9 o'clock, A. M. on Monday next.

Monday, September 17, 1832.

The Convention met pursuant to adjournment—

And proceeded to the consideration of the report of the committee appointed to draft rules and regulations for the government of this Convention.

When a motion was made by Mr. Johnson to amend said report as follows:

Strike out from the word "Convention" in the third line from the bottom to the word "should" in the last line.

And the question being put, shall the amendment be adopted?

It passed in the affirmative.

It was then stated by Mr. Keegan that in his opinion the proceedings had on the said report were not in order; that the only questions which could arise before the Convention were upon the report itself, and not upon the rules reported, and that the report of the committee could not then be amended.

The President decided that the proceedings had on said report were in order.

From this decision of the President, an appeal was made to the Convention by Mr. Keegan;

And the question being put,

Shall the decision of the Chair stand as the decision of the Convention?

It passed in the affirmative.

Mr. Morris moved a reconsideration of the vote taken on the amendment to the report of the committee;

And the question being put,

Will the Convention reconsider the vote taken on said amendment?

It passed in the affirmative.

A call was then made by Mr. Runnels for the reading of the rules of the last Convention, and those adopted by the House of Representatives of the General Assembly of this State for its government.

Which call being sustained by a majority of the members of the Convention,

The said rules were read—

When the question was taken on the amendment proposed by Mr. Johnson,

And passed in the affirmative.

It was then ordered that the said report be re-committed to the committee appointed to draft rules and regulations for the Convention.

On Motion of Mr. Quitman,

The Convention proceeded to the consideration of the report of the committee on the Bill of Rights.

Mr. Quitman moved that said report be referred to a committee of the whole House.

Mr. Keegan moved that it lie on the table,

And the question being taken thereon,

It was decided in the affirmative.

Mr. Duncan moved the adoption of the following resolution:

Resolved, That Messrs. Johnson, Keegan and Black be added to the committee on rules.

Mr. Quitman stated that it appearing that Mr. Johnson had already been placed on said committee, he would propose an amendment to have his name stricken from said resolution.

He thereupon made that motion.

The modification having been accepted by Mr. Duncan,

The question was taken on the resolution as amended,

And passed in the affirmative.

Mr. Trotter proposed the adoption of the following resolution:

Resolved, That the committee on General Provisions be discharged from the consideration of the ordinance, and the same be referred to a select committee.

Mr. Black moved that said resolution lie on the table;

And the question being taken thereon,

It was decided in the negative.

A motion was then made by Mr. Morris that the same be amended as follows:

Strike out from the word "ordinance,"

And the question being put,

Shall the amendment be adopted?

It passed in the affirmative.

The question was then taken on the adoption of the resolution as amended,

And decided in the affirmative.

Then the Convention adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment—

When it was announced that two of the members, viz:

Messrs. McNabb and Gale were prevented by indisposition attending the deliberations of the Convention.

Whereupon,

It was ordered that Messrs. McNabb and Gale be excused from further attendance on the Convention during their indisposition from sickness.

The President laid before the Convention a communication in writing from the Reporter to the Convention, which was read, and is as follows:

To the Hon. P. Rutilius R. Pray,
President of the Convention.

SIR:—In conformity to a resolution passed by the Convention on the 14th inst. requiring the Reporter appointed under a resolution of the body over which you preside, to make a report containing an abstract of the debates and proceedings of the House from 10th inst. including the 14th inst. I beg leave to report:

That owing to the unexpected sitting of the House on Saturday and unexpected portion of debating, I have been unable to make a full report of all the proceedings during the time above referred to, and only present a part of the debates on Saturday last as I conceived the object of the resolution was to see a specimen of the manner in which I had conducted the business, whereby the House might be enabled to prescribe to me the extent of my duty.

I further beg leave to represent that I have since twelve o'clock on this day employed a clerk to assist me, by whose aid I can be enabled in a few days to lay a fair statement up to the time of reporting.

All of which is most respectfully submitted.

HUGH L. FRENCH,
Reporter to the Convention.

Monday, September 16, 1832.

On motion of Mr. Farish,

Said communication was ordered to lie on the table.

On motion of Mr. Trotter,

The following resolution was adopted:

Resolved, That the abstract of proceedings and debates laid before this Convention by the Reporter be referred to a committee of three to examine and report what steps are necessary in relation thereto;

And pursuant thereto, Messrs. Trotter, Grayson and Black were appointed.

Mr. Williamson called for the consideration of a resolution proposing to constitute a select committee to select some suitable person to ascertain the true geographical centre of the State.

Which call being sustained by the Convention,

Mr. Williamson asked, and obtained leave to withdraw said resolution, and thereupon, submitted the following resolution:

Resolved, That Gideon Fitz, Surveyor General of this State be requested to communicate to this Convention the actual geographical centre of this State as far as his information will enable him so to do.

Mr. Quitman moved to amend said resolution by striking out the words "Surveyor General of this State," in the second line, and inserting "Surveyor of public lands."

The modification having been accepted by Mr. Williamson,

The question was taken on the adoption of the resolution as amended, and being put,

Passed in the affirmative.

Mr. Johnson, from the committee appointed to draft rules and regulations for the Convention, made the following report:

MR. PRESIDENT:

The committee to whom was re-committed the report of the committee appointed to prepare and report rules for the government of this Convention, beg leave to report the following as the standing rules and orders for conducting business in the Convention.

Rules and standing orders, for conducting business in the Convention.

TOUCHING THE DUTIES OF THE PRESIDENT.

1st. The President shall take the Chair every day at the hour to which the Convention shall have adjourned on the preceding day; shall immediately call the members to order; and, on the appearance of a quorum, shall cause the Journals of the preceding day to be read.

2d. He shall preserve decorum and order, may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the Convention by any two members: On which appeal no member shall speak more than once, unless by leave of the Convention. He shall rise to put a question, but may state it sitting.

3d. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that (as the question may be,) say aye." And after the affirmative voice is expressed, "As many as are of the contrary opinion say no." If the President doubts, or a division be called for, the Convention shall divide: those of the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

4th. The President shall have a general direction of the Convention. He shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

5th. Any member may call for the statement of the question, which the President may give sitting.

6th. The President, with five members, shall have power to adjourn—twelve to call a House and send for absent members, and a majority of the whole number be a quorum to proceed to business.

7th. When a member is about to speak, debate or deliver any matter to the Convention, he shall rise from his seat, and respectfully address himself to Mr. President.

8th. If any member, in speaking or otherwise transgress the rules, the President shall, or any member may, call to order; in which case, the member so called to order, shall immediately sit down, unless permitted to explain, and the Convention shall if applied to, decide on the case, but without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the Convention.

9th. When two or more happen to rise at the same time, the President shall name the person who is first to speak.

10th. No member shall speak more than twice to the same question, without leave of the Convention.

11th. Whilst the President is putting a question, or addressing the

Convention, none shall walk across the room; nor when a member is speaking enter on private discourse, or pass between him and the Chair.

12th. No member shall vote on any question who was not present when the question was put, without leave of the Convention.

13th. Upon calls of the Convention for taking the yeas and nays on any question, the names of the members shall be called alphabetically, and each member shall answer from his seat.

14th. Any two members shall have a right to call for the yeas and nays of any question.

15th. When a motion is made and seconded, it shall be stated by the President, or being in writing, shall be read aloud by the Secretary, and every motion shall be reduced to writing, if the President or any member request it.

16th. Any member may call for a division of the question, where the sense will admit of it.

17th. Each member shall particularly forbear personal reflections; nor shall any member name another in argument or debate.

18th. After a motion is stated by the President, or read by the Secretary, it shall be deemed in possession of the Convention, but may be withdrawn at any time before the decision or amendment.

19th. When a question is under debate, no motion shall be received, but to adjourn, to postpone to a day certain, to lie on the table, for the previous question, to postpone indefinitely, to commit or amend—which several motions shall have precedence in the order they stand arranged.

20th. A motion to adjourn shall always be in order, and shall be decided without debate.

21st. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by one-third of the members present, and until it is decided, shall preclude all amendments and further debate of the main question—on a previous question there shall be no debate.

22d. In taking the sense of the Convention, a majority of the votes of the members present shall govern.

23d. No resolution, section or article in the Constitution shall be finally concluded and there agreed upon until the same shall have been read on the several days, unless a majority of two-thirds may think it necessary to dispense with this rule, which vote shall be decided without debate.

24th. The Convention shall resolve itself into a committee of the whole, when deemed necessary, and when in committee of the whole, shall be governed by the foregoing rules.

25th. The President may appoint committees liable to addition or amendment, on the motion of any member, unless otherwise directed by the Convention.

26th. On all questions when the yeas and nays are demanded, the President shall vote.

27th. No member shall absent himself from the service of the Convention, unless he have leave, be sick, or unable to attend.

28th. Upon a call of the Convention, the names of the members shall be called over by the Secretary, and the absentees without leave noted, one hour after which the names of the absentees shall again be called over, and from those no excuse, or an insufficient excuse is made, may by order of those present, if twelve in number, be taken into custody as they appear or may be sent for, and taken into custody where to be found.

29th. When a member shall be discharged from custody, and admitted to his seat, the Convention shall determine whether such discharge shall be with or without paying fees, and in like manner whether a delinquent member taken into custody by a special messenger shall or shall not be liable to defray the expense of such special messenger.

COMMITTEES—THEIR DUTY.

30th. It shall be the duty of the Committee of Elections to examine and report upon the certificates of election and other credentials of the members returned, to serve in this Convention, and to take into their consideration all such petitions and other matters touching elections and returns, as shall or may be presented, or come in question, and be referred to them by the Convention.

31st. No Committee shall sit during the sitting of the Convention, without special leave.

32d. The Secretary of the Convention shall take an oath, to be administered by the President, for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities—it shall be his duty to keep and preserve all records and papers introduced and submitted to the consideration of the Convention, to furnish such papers as may be committed with the names of the members that compose such committee, to the chairman thereof; and in all things to perform his duty as secretary in this Convention, under the direction of the President.

33d. The proceedings of the committees of the whole shall be entered on the Journal, and published with the Journals of the Convention.

34th. In committee of the whole, any two members shall have the right to call for the yeas and nays on the decision of any question before it.

35th. It shall be in order in committee of the whole to move the previous question in the same manner as in the Convention.

36th. When a question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof:—*Provided*, such motion be made on the day succeeding the decision of such question.

37th. No standing rule shall be altered or rescinded on the day it may be adopted, without the concurrence of two-thirds of the members of the Convention, nor afterwards, without one day's notice.

On motion of Mr. Hurst,

Said report was received.

A motion was then made by Mr. Quitman that the Convention do agree to said report.

And the question being put,

It passed in the affirmative.

The following resolution was then submitted by Mr. Greenleaf.

Resolved, That the report of the committee on rules for the government of the House be forthwith referred to a committee of the whole.

Mr. Quitman proposed the following as an amendment to said resolution.

Insert in the first line after the words "that the" the words "rules recommended by the"—

The modification having been accepted by Mr. Greenleaf—

The question was then taken on the resolution proposed by him,

And passed in the affirmative.

The Convention then went into committee of the whole on said report, Mr. Lynch in the Chair—

And after some time spent therein—

The President resumed the Chair; and

Mr. Lynch reported that the committee of the whole had had said report under consideration, and had instructed him to report the same without amendment.

On motion of Mr. Lynch,

Ordered, that said report be received and agreed to.

On motion of Mr. Quitman,

The following resolution was adopted.

Resolved, That the following be adopted as a rule of this Convention:

Upon propositions committed to a committee of the whole Convention, the proposition shall be read throughout by the Secretary, and then again read and debated by clauses, leaving the preamble to be last considered. The body of the proposition shall not be defaced or interlined, but all amendments noting the page and line shall be entered by the Secretary on a separate paper, as the same shall be agreed to by the committee, and so reported to the Convention. After report, the proposition shall again be subject to be debated and amended by clauses before a question to engross it be taken.

Mr. Greenleaf moved to amend the 37th section of the rules reported for the government of the Convention.

Amend by adding to said section "No new motion or proposition shall be admitted, under color of amendment, as a substitute for the motion or proposition."

And the question being taken thereon,

It was decided in the negative.

It was then ordered, on motion of Mr. Hurst,

That the said rules and regulations be adopted for the government of this Convention.

Mr. Johnson offered the following resolution:

Resolved, That copies of the rules adopted for the government of the Convention be printed for the use of this House.

Mr. Johnson proposed to fill said blank with the words "one hundred."

Mr. Quitman with those of "two hundred."

And the question being put on Mr. Quitman's motion,

It passed in the affirmative.

The question was then taken on the adoption of said resolution as amended,

And passed in the affirmative.

Mr. Johnson offered the following resolution:

Resolved, That the standing hour to which this Convention shall be adjourned shall be eight o'clock, A. M.

Which, on motion of Mr. Magee,

Was ordered to lie on the table.

And then the Convention adjourned.

Tuesday, September 18, 1832.

The Convention met pursuant to adjournment.

When the following report was submitted by Mr. Floyd:

MR. PRESIDENT,

The undersigned member of the committee to whom was referred so much of the present Constitution as relates to the Legislative Department, begs leave to submit the following

REPORT:

It does appear to the undersigned, the object for which we were assembled to have been, to inquire how the citizens of Mississippi could be rendered most happy and prosperous, and what effects are likely to ensue, from the proposed alterations in our present constitution. It seems to be conceded by all, that we can well dispense with many checks and balances that fifteen years ago, were deemed actually necessary. In my humble opinion there is no subject on which we shall be called upon to act, that I should like to see freed from all unnecessary restrictions than the elective franchise; we are often found complaining of our northeastern brethren on account of their illiberal policy towards us in the federal government, restraining emigration to the west and south west. They say this emigration weakens us, and strengthens others, whose policy is not consonant with ours. Now with a full knowledge of these facts before our eyes, are we doing what we could do, and in fact is it what we ought to do for ourselves?

We, in my humble conception ought to meet this policy by, extending to the emigrant rights and privileges founded upon the most liberal Democratic Republican principles. And now permit me to inquire if there is one privilege that a freeman prizes higher than his elective franchise? My own experience and observation has convinced me most forcibly, there is scarcely any. For it, he is willing to hazard his life, liberty, property and every other unalienable right. Why then should we not open it fully and freely to them? The more inducements we can hold out to the emigrant from our sister States, the more liability there is that he will burst asunder the ligament that binds him to the beloved spot his infancy knew, and separate for ever from all the endearing objects of his juvenile days. If to do this, excites such strong emotions in the bosom of the emigrant, so let us cheerfully extend to him an Elixir spiced with liberal principles; principles freed from the verbage which encumber those under which he was born and raised.

What does our present Constitution require of a free white male citizen of the United States, before he can vote? why he must reside twelve months in this State next preceding an election, and six months in the county, city, or town in which he offers to vote before he shall be deemed a qualified elector. Now connect this with the biennial elections as proposed by the majority, and an emigrant shall come to this State eleven months preceding an election, and you deprive him of the privilege of voting for thirty five months, suffering all this time those to tax him whom he had no hand in creating, subject to do militia duty, perform patrol service, work upon the roads, and serve on juries within ten days after his arrival. I would emphatically ask if this is right either upon the score of principle or policy? Surely there can be none actuated by similar feelings to our northeastern kinfolks?

If not, then let us apply the principle. That a man's privileges should be commensurate with his burdens, we are now on the eve of receiving a large acquisition to our population. A population of the most healthful class, hardy yeomanry that will be spread over eleven millions of acres of our territory. This is a kind of population we are all anxious to receive; we have every thing to hope, and nothing to fear from them. I would most cheerfully extend to them the right hand of fellowship, and instead of throwing stumbling blocks in their way, feel anxious to remove those that were placed there fifteen years ago, and am far from putting others, and greater ones in the way. In fact every citizen in this purchase must have felt the great disparity of privileges and burdens of which I speak.

Again, I will state the existence of facts that are still more grievous under the report of the majority. Here is an old citizen who has resided for many years in this State, moves a few hundred yards across an open line into another county in the month of February; he is also deprived the privilege of voting for twenty nine months. Here may be an instance of a citizen, who has enjoyed the confidence of his fellow men on many important occasions. This I must call downright proscription. He is nullified to all intents and purposes, with all his boasted privileges of an American citizen, fresh upon his head. This I must think is adding insult to injury. Who, I would ask, is afraid to trust his neighbor to vote only because he has changed his place of residence a few yards or a few miles as the case may be? Then what must be the policy of those who are desirous of fixing this proscriptive policy upon us?

The undersigned represents men who were citizens of every county in this State. They were once yours, but now have become our citizens: we are willing to trust them at sight; to extend the right hand of fellowship to them on their coming. But the principle that seemed to actuate the majority of the committee was fear—afraid to trust their neighbors the moment they took up the line of march from theirs to our county. Their policy will not be our policy, therefore restrain their privileges as much as possible. This is precisely in accordance with the doctrine promulgated in the Federal City, which we so much deprecate. It does appear to me to be too sordid to be longer retained in the substructure of that building we all hope to see reared.

I am opposed to the fourth resolution as reported by the majority which requires four years residence in the State and twelve months in the county, as a pre-requisite to a seat in the General Assembly. I can see no good and substantial reason why the agent should be required to have such a length of residence over his principal. If this principle prevails many of the new counties that are to be settled up must be unrepresented, not a citizen will have been in the county that length of time. I am anxious that the portals may be opened free for emigrants upon equal footing with ourselves; I would rather bid a bounty for virtue and talents, and leave it to the discretion of our citizens to say who should and who should not be entrusted with their business of a public nature. I have not the same fear that the aspiring demagogue will turn the people upside down and get every office in the community: this I feel willing to trust to the good sense of the people, believing that they are fully able to choose their own public agents.

RICHARD F. FLOYD.

On motion of Mr. Pope,
Said report was received; when
On motion of Mr. Keegan,
It was ordered that it lie on the table.
On motion of Mr. Hurst,
The Convention went into committee of the whole,
Mr. Johnson in the chair,
And proceeded to the consideration of the report of the committee on the Bill of Rights.

Mr. Farish moved that the committee of the whole do now take up the Bill of Rights, section by section,
And the question being put,
It passed in the affirmative.
The Bill of Rights was then considered,
When a motion was made by Mr. Duncan to amend the first section thereof as follows:

Resolved, That section first be amended by striking out the words "public services" and inserting as follows, viz: "an equivalent, or of public services rendered or to be rendered."

And the question thereon being taken,

It was decided in the negative.

A motion was then made by Mr. Pendleton to amend the said first section as follows:

Amend by striking out after the word "privileges" in the third line, the balance of the section.

And after debate on the said amendment,

A motion was made by Mr. Hurst that the committee rise, report progress and ask leave to sit again.

And the question being put,

It passed in the affirmative.

Whereupon the committee rose and Mr. President resumed the chair,

When Mr. Johnson reported that the committee of the whole had had the report of the committee on the Bill of Rights under consideration, had come to no conclusion thereon and had instructed him to report progress and ask leave to sit again.

On motion of Mr. Dickson,

Said report was received and agreed to.

Then the House, on motion, adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment,

When Mr. Farish called for the consideration of the Bill of Rights,

And the question being taken thereon,

It was decided in the affirmative.

The Convention then, on motion of Mr. Quitman, resolved itself into a committee of the whole on the said Bill of Rights,

Mr. Johnson *again* in the chair;

When on motion of Mr. Pray, (president) the committee of the whole proceeded to the consideration of the amendment proposed by Mr. Pendleton,

And the question being put "shall the amendment be adopted,"

It was decided in the negative.

YEAS 13—NAYS 30.

The yeas and nays being called for by two members;

Those who voted in the affirmative are—

Messrs. Pray, (president) Austin, Bacot, Floyd, Grayson, Hicks, Keegan, Knox, Pendleton, Quitman, Runnels, Scott, Williamson—13.

Those who voted in the negative are—

Messrs. Black, Brandon, Cain, Dickson, Duncan, Falconer, Farish, Freeland, Granberry, Greenleaf, Higgason, Howard, Hurst, Jefferson, Johnson, Jones of Jones, Kennedy, Lowe, Magee, McLaughlin, McMillan, Morris, McRae, Pope, Redd, Rose, Seamon, Stewart, Williams, Wright—30.

Mr. Magee then moved to amend the said first section by adding at the end thereof the following:

Provided that nothing in this section shall ever be so construed as to confer the power on the Legislature to grant exclusive banking privileges.

Mr. Quitman moved to amend said amendment as follows:

Insert after the word 'banking' "or other."

And the question being taken thereon,

It was decided in the negative.

The question then recurred on the amendment proposed by Mr. Magee, which was also decided in the negative.

Mr. Greenleaf moved to amend the third section as follows:

Insert after the word 'licentiousness' "publicly indulged."

And the question being taken thereon,

It was decided in the negative.

Mr. Pendleton moved to amend the fifth section as follows:

Strike out all after the word "opinions" in the fifth line.

And the question being taken thereon,

It was resolved in the negative.

It was then proposed by Mr. Greenleaf to amend the 8th section as follows;—

Insert after the word evidence "and the Jury shall have the right to determine the law under the direction of the Court, and to be the sole judges of the facts."

And the question being taken thereon,

It was decided in the negative.

Mr. Quitman moved to amend the ninth section as follows:

Strike out "them" after the word "describing" and insert "the place to be searched and the person or thing to be seized,".

And the question being put,

It passed in the affirmative.

Mr. Black moved to amend the 10th section as follows:

Insert after the word "county" the words "where the offence was committed."

And the question being taken thereon,

It passed in the affirmative.

Mr. Grayson moved to amend the 13th section as follows:

Insert after the word "being" the word "first."

And the question being put, shall the amendment be adopted,

It passed in the affirmative.

Another motion was made by Mr. Grayson further to amend the said 13th section as follows:

Strike out the words "of his Representatives" and insert the words "of the General Assembly."

A motion was then made by Mr. Quitman to amend the said amendment as follows:

Strike out the words "General Assembly" and insert the word "Legislature."

And the question being put,

It passed in the affirmative.

The question was then taken on the amendment as amended—

Which was also decided in the affirmative.

Mr. Greenleaf moved to amend the 15th section by adding at the end thereof the following:

"Nor shall it be exercised by the Legislature in such a way as to impair the obligation of a contract."

And the question being taken thereon,

It was decided in the negative.

Mr. Farish moved to amend the 16th section by adding at the end thereof the following:

"And all penalties and punishment shall be proportioned to the offence."

And the question being taken thereon,

It was decided in the negative.

A motion was then made by Mr. Quitman to strike out the 19th and 20th sections and insert the following:

"No conviction for any offence shall work corruption of blood or forfeiture of estate. The Legislature shall pass no bill of attainder, expost facto law, nor law impairing the obligation of contracts."

And the question being put 'shall the amendment be adopted,'

It passed in the affirmative.

Mr. Grayson moved to strike out the 27th section and insert in lieu thereof the following:

"Emigration from the State shall not be prohibited, nor shall any person be liable to be exiled, banished or transported out of this State for any cause whatever, except in cases provided for by law."

And the question being taken thereon,

It was decided in the affirmative.

Mr. Howard moved further to amend the said 27th section, by adding at the end thereof the following:

"That every citizen of any of the United States, who may emigrate to this State, shall from the term he fixes his domicil therein be fully entitled to all the liberties, privileges and franchise of citizens of this State, except in such cases as shall be expressly excepted by this constitution."

Mr. Morris moved to amend said amendment as follows:

Insert after the word "every" in the first line the words "free white."

And the question being taken thereon,

It was decided in the affirmative.

The question then recurred on the amendment proposed by Mr. Howard as amended, And was decided in the negative.

A motion was then made by Mr. Stewart to amend the 28th section s follows:

Strike out after the word "by" the word "jury" and insert "a jury of velve men."

Mr. Granberry moved that the committee rise, report progress, and ask ave to sit again.

And the question being taken thereon,

It was decided in the negative.

The question was then taken on the amendment proposed by Mr. ewart, and decided in the negative.

YEAS 4—NAYS 40.

The yeas and nays being demanded by two members;

Those who voted in the affirmative are—

Messrs. Greenleaf, Howard, Runnels, Stewart—4.

Those who voted in the negative are—

Messrs. Pray, (President), Austin, Bacot, Black, Brandon, Cain, Dick- n, Duncan, Falconer, Farish, Floyd, Freeland, Granberry, Grayson, cks, Higgason, Hurst, Jefferson, Johnson, Jones of Jones, Keegan, nnedy, Knox, Lowe, Magee, McLaughlin, McMillan, McRae, Morris, ndleton, Pope, Quitman, Redd, Rose, Scott, Seamon, Trotter, Wil- ns, Williamson, Wright—40.

So the amendment was not adopted.

The following amendment was then proposed by Mr. Quitman:

Strike out the 28th section and insert in lieu thereof the following—

"In suits at common law where the value in controversy shall exceed nty dollars, the right of trial by jury shall remain inviolate."

motion was then made by Mr. Dickson that the committee rise, report gress, and ask leave to sit again.

nd the question being taken thereon,

passed in the affirmative.

he committee then rose and the President resumed the chair, when Johnson reported that the committee of the whole had again had er their consideration the Bill of Rights, but having come to no con- ion thereon, had instructed him to report progress and ask leave to gain.

On motion of Mr. Johnson,

dered that said report be received and agreed to.

r. Trotter made the following report:

PRESIDENT:

he committee to whom was referred the abstract of the proceedings lebates of the Convention submitted by the Reporter, in pursuance of lution of the Convention requiring them to report what steps should ken in relation thereto, beg leave to report—

at they have had under consideration the same; and state, that in pinion, the abstract of the proceedings and debates is imperfect, and does not meet the views, in any particular, of the resolution creating a Re porter—and therefore submit to the Convention the following resolution

Resolved, That the further services of the Reporter to the Conventio be dispensed with,

On motion of Mr. Grayson,

Ordered that said report be received; and

On motion of Mr. Pendleton,

It was ordered that the said report lie on the table.

Then the House adjourned.

Wednesday, September 19, 1832.

The Convention met pursuant to adjournment—

When Mr. Magee, from the Judicial Committee, made the followi report:

Mr. President:

The committee to whom was referred the Judicial department of t Constitution, have requested me to present to the Convention the follo ing report of the majority of said committee, proposing amendme thereto:

HIGH COURT OF ERRORS AND APPEALS.

1. Resolved, That the first section of the fifth article of the Constitut be so changed as to read thus:

That the judicial power of the State shall be vested in one Supre Court, to be entitled the "High Court of Errors and Appeals," and su other courts of law and equity as hereinafter provided for in this Con tution.

2. Resolved, That the second section of said article be so amended to read thus:

That the High Court of Errors and Appeals shall consist of three judg who shall be elected by the qualified electors of the whole State, for term of six years.

3. Resolved, That the office of one of said judges shall be vacated in years, and of one in four years, and of one in six years: So that at expiration of every two years one of said judges shall be elected as af said.

4. Resolved, That said court shall possess appellate jurisdiction in and equity, and no other; *Provided*, however, that said court shall power to grant remedial and auxiliary writs.

5. Resolved, That all vacancies that may occur in said court, from de resignation or removal shall be filled by election as aforesaid.

6. Resolved, That no person shall be eligible to the office of Judge o High Court of Errors and Appeals who shall not have attained a

time of his election the age of years, and who shall not have practised law years, and of them within this State.

7. Resolved, That the Supreme Court shall be held twice in each year at the Seat of Government of the State.

8. Resolved, That the election of Judges of the High Court of Errors and Appeals shall be conducted in the same manner as the election of representatives to Congress.

9. Resolved, That the Secretary of State, on receiving all the official returns of the first election, shall proceed forthwith, in the presence and with the assistance of two justices of the peace, to determine by lot among the three candidates having the highest number of votes, which of said judges elect shall serve for the term of two years, and which shall serve for the term of four years, and which shall serve for the term of six years: and having so determined the same, it shall be the duty of the Governor to issue commissions accordingly.

10. Resolved, That no judge shall sit in the trial of any cause when the parties, or either of them, shall be connected with him by affinity or consanguinity, or where he may be interested in the same, except by consent of the judge and of the parties: and the Governor of the State shall in such case specially commission two or more men of law knowledge for the determination thereof.

11. Resolved, That the Judges of the said High Court of Errors and Appeals shall receive as compensation for their services at least the sum of two thousand dollars per annum, payable quarterly.

CIRCUIT COURT.

12. Resolved, That it is expedient that the Judge of the Circuit Court shall be elected by the qualified electors of each judicial district; who shall hold their offices for the term of four years, and reside in their respective districts.

13. Resolved, That no person shall be eligible to the office of Judge of the Circuit Court, who shall not, at the time of his election, have attained the age of years and who shall not have practised law years and of them in this State.

14. Resolved, That section third of said article read as follows:

The state shall be divided into convenient districts; and each district shall contain not less than three, nor more than eight counties.

15. Resolved, That the fourth section be so amended as to read thus;

The Circuit Court shall have original jurisdiction in all matters, civil and criminal within this State; but in civil cases only where the principal of the sum in controversy amounts to or exceeds fifty dollars.

16. Resolved, That the fifth section of said article be so amended as to read thus:

A Circuit Court shall be held in each county of this State, at least twice in each year; and the Judges of said Circuit Court shall interchange circuits with each other, in such manner as may be prescribed by law.

17. Resolved, That the Judges of the Circuit Court shall receive as com-

pensation for their services at least the sum of two thousand dollars per annum, payable quarterly.

COURT OF PROBATES.

18. Resolved, That the Legislature shall establish in each county within this State a Court of Probate for the granting of letters testamentary and of administration for orphans' business, and the allotment of dower.

19. Resolved, That the Judge of Probate of each county shall be elected by the qualified electors in the respective counties in this State for the term of two years.

20. Resolved, That the regular terms of the Probate Court of each county, and that the compensation of the Judge of Probate, shall be fixed by law; and that his office shall always be open for the despatch of business.

CLERKS.

21. Resolved, That the Clerk of the High Court of Errors and Appeals be appointed for the term of four years, in such manner as may be prescribed by law; and that the Clerks of the Circuit Court, Probate Courts, and other inferior courts, be elected by the qualified electors of their respective counties, and shall hold their offices for two years.

COUNTY POLICE.

22. Resolved, That the qualified electors for each county shall elect persons for the term of years, who shall constitute a board of police for each county, a majority of whom may transact business, which body shall have full jurisdiction over Roads, Highways, Ferries and Bridges and all other matters of county police.

23. Resolved, That the said board of county police shall preside over the trial of slaves in all cases not capital.

24. Resolved, That the power and duties of said board be more particularly defined and prescribed by law.

25. Resolved, That any vacancy that may occur in said board shall be supplied by election as aforesaid to fill the unexpired term.

26. Resolved, That no person shall be eligible as member of said board who shall not have resided one year in the county: *Provided, however*, that this qualification shall not extend to such new counties as may be hereafter established for one year after their organization.

27. Resolved, That the members of said board shall receive for their compensation a per diem to be fixed by law, for every day actually employed in the discharge of the duties of their station.

28. Resolved, That the Judges of all the Courts of this State, and also the members of the Board of County Police shall in virtue of their office be conservators of the peace, and shall be by law vested with ample powers in this respect.

JUSTICES OF THE PEACE.

29. Resolved, That a competent number of Justices of the Peace shall be chosen in each county by the qualified electors thereof, either by districts, or by the electors of the whole county, as may be prescribed by law, and they shall hold their offices for the term of two years: Their jurisdiction

in civil cases shall be limited to causes in which the principal of the amount in controversy shall not exceed fifty dollars; and in all causes tried by a Justice of the Peace, the right of appeal shall be secured under such rules and regulations as shall be prescribed by law.

30. Resolved, That the Legislature shall from time to time, establish such other inferior courts as may be deemed necessary.

ATTORNEY GENERAL AND DISTRICT ATTORNEYS.

31. Resolved, That it is expedient to elect an Attorney General, and District Attorneys for this State; that the Attorney General be elected by the qualified electors of the State in the same manner as members to Congress; and that the District Attorneys be elected by the qualified electors of the respective districts; and that the compensation and term of service of said Attorney General and District Attorneys be prescribed by law.—The Legislature shall by law provide for determining contested elections of Judges of the Court of Errors and Appeals, and of the Circuit Court, Probate Judges, and other officers.

REMOVAL FROM OFFICE.

32. Resolved, That the Judges of the Supreme and Circuit Courts of this State, for wilful neglect of duty or other reasonable cause, shall be removed by the Governor, on the address of both Houses of the General Assembly; the address to be by a joint vote of both Houses: *Provided*, however, that the cause or causes for which such removal shall be required, shall be stated at length in such address and on the journals of each House: *And provided further*, that the judge so intended to be removed shall be notified and admitted to a hearing in his own defence, before any vote for such address shall pass.

33. Resolved, That Judges of Probates, Clerks, Sheriffs, and other officers of the inferior courts of this state, shall be removed by presentment of the grand jury, and the finding of guilty by a petit jury of the county in which said officer may reside: *Provided*, however, that the charges and specifications be distinctly set forth in the presentment: *And provided further*, that the officer so intended to be removed shall be suffered and admitted to a hearing in his own defence.

EUGENE MAGEE.

On motion of Mr. Magee,

It was ordered that said report be received.

It was then ordered, on motion of Mr. Quitman, that it lie on the table.

Another motion was then made by Mr. Quitman,

That the Secretary have two hundred copies of the said report printed for the use of this Convention.

Mr. Farish moved to amend said motion, by striking out the words "two hundred" and inserting in lieu thereof the words "five hundred."

Said modification having been accepted by Mr. Quitman,

The question was taken on the amendment proposed by him,

And passed in the affirmative.

Mr. Bacot communicated to the Convention that the Sergeant at Arms was prevented from sickness giving his attendance on the House, and moved that he be excused from farther attendance on the House during the continuation of such sickness.

And the question being taken thereon,

It was decided in the affirmative.

Mr. Hurst proposed the adoption of the following resolution:

Resolved, That the President of this Convention direct the Sergeant at Arms to invite within the bar of the House Col. Harman Runnels and the Hon. Isaac R. Nicholson.

Mr. Dickson moved to amend said resolution, as follows:

Strike out after the word "resolved" and insert "that seats within this House, such as the President shall direct, be set apart for the use of the members of the General Assembly and of the Executive; of the Judges of the Supreme Courts of this State and of the United States, and of such other persons as the President may think proper to invite within the bar."

Which amendment having been accepted by Mr. Hurst—

A motion was then made by Mr. Wright further to amend said resolution, as follows:

Strike out all after "the State" in the sixth line.

And the question being taken thereon,

It was decided in the negative.

The question was then taken on the resolution proposed by Mr. Hurst as amended,

And passed in the affirmative.

On motion of Mr. Trotter,

The following resolution was adopted.

Resolved, That the committee to whom was referred a resolution instructing them to examine and report what steps should be taken thereon, have leave to withdraw their report submitted on yesterday.

Mr. Farish submitted the following resolution.

Resolved, That a committee of   be appointed to fix the compensation to be allowed to officers of this Convention.

On motion of Mr. Quitman,

Ordered that said resolution lie on the table.

Mr. Trotter, from the committee to whom was referred the General Provisions of the Constitution, made the following report:

Mr. President,

The committee to whom was referred the General Provisions of the Constitution with instructions to report to this Convention whether any, and if any, what alterations and amendments are therein necessary; have had the same under consideration, and have instructed me to report the following resolutions by way of alterations and amendments therein, to wit:

1st. Resolved, That the 7th section of the 6th article be stricken out.

2d. Resolved, That the 8th section of said article be so amended as to read as follows, to wit:

"No money shall be drawn from the Treasury but in consequence of an appropriation made by law, nor shall any appropriation of money for the support of an army be made for a longer term than one year. No money from the Treasury shall be appropriated to objects of internal improvement unless a bill for that purpose be approved by two-thirds of both branches of the Legislature, and a regular statement and account of the receipts and expenditures of all public moneys shall be published biennially."

3d. Resolved, That the 10th section of the said article be stricken out.

4th. Resolved, That the 12th section of the said article be stricken out.

5th. Resolved, That the 13th section of said article be amended by striking out the words "a residence," and inserting in lieu thereof, the word "citizenship."

6th. Resolved, That the 17th section of the said article be so amended as to read as follows, to wit: "Divorces from the bonds of matrimony shall not be granted, except in cases provided for by law, by suit in the Circuit court."

7th. Resolved, That the 20th section of the said article be amended by striking out all of said section after the word "land," where it occurs in the second place, and inserting in lieu thereof, the following words, to wit: "by rent, lease or sale in strict conformity to the object of such grant."

8th. Resolved, That the 1st section of the miscellaneous article of the Constitution relating to slaves, be amended by striking out the words "they shall have full power to prevent slaves from being brought into this State as merchandize," where they occur in said section, and inserting in lieu thereof, the following words, to wit: "The introduction of slaves into this State as merchandize shall be prohibited after the — day of — 18 —"

9th. Resolved, That the miscellaneous provision of the Constitution relating to the mode of revising the Constitution, be stricken out, and the following amendment inserted in lieu thereof, to wit: "Whenever two thirds of each branch of the Legislature shall deem any change, alteration or amendment necessary to this constitution, such proposed change, alteration or amendment shall be read and passed by a majority of two-thirds of each House respectively, on each day for three several days; public notice thereof shall be given at least six months preceding the next general election at which the qualified electors shall vote directly for or against such change, alteration or amendment; and if it shall appear that a majority of the qualified electors voting for members of the Legislature shall have voted for the proposed change, alteration or amendment, then it shall be inserted by the next succeeding Legislature as part of this constitution, and not otherwise."

10th. Resolved, That the 1st section of the schedule be so amended as to read as follows, to wit: "That no inconvenience may arise from a change, alteration or amendment of the Constitution, it is declared that all rights, actions, prosecutions, claims and contracts, as well of individual as of bodies corporate, shall continue as if no such change, alteration or amendment had taken place."

11th. Resolved, That the 2d section of said schedule be stricken out.

12th Resolved, That the 3d section of said schedule be so amended as to read as follows, to wit: "The validity of all bonds and recognizances executed to the Governor of this State, shall not be impaired by the change, alteration or amendment of the Constitution, and all causes of action arising to individuals and suits at law, or in equity now depending in the several courts of this State, and not already barred by law, may be commenced in, or transferred to such court as may have the proper jurisdiction thereof."

13th. Resolved, That the 4th section of said schedule be stricken out, and the following amendment be inserted in lieu thereof, to wit: "The Governor, and all officers civil and military now holding commissions under the authority of this State, shall continue to hold and exercise their respective offices until they shall be superseded pursuant to the provisions of this Constitution."

14th. Resolved, That the 5th section of said schedule be stricken out, and the following amendment inserted in lieu thereof, to wit: "All laws now in force in this State shall continue to operate until they shall expire by their own limitation or be altered or repealed by the Legislature."

15th. Resolved, That the 6th section of said schedule be stricken out.

16th. Resolved, That the 7th section of said schedule be stricken out, and the following amendment inserted in lieu thereof, to wit: "Immediately upon the adoption of this Constitution the President of this Convention shall issue writs of election directed to the Sheriffs of the several counties, requiring them to cause an lectieon to be held for members of the Legislature, at the respective places of holding elections in said counties, which elections shall be conducted in the manner prescribed by the existing election laws of this State, and the members of the legislature then elected shall continue in office until the next general election, and the members of the legislature thus elected shall convene at the seat of government on the Monday of 18 "

17th. Resolved, That the 8th section be stricken out, and the following amendment inserted in lieu thereof, to wit: "Until the first enumeration shall be made, as directed by this constitution, the apportionment of Senators and Representatives amongst the several districts and counties in this State shall remain as at present fixed by law."

18th. Resolved, That the 9th section of said schedule be stricken out.

19th. Resolved, That the 10th section of said schedule be stricken out.

20th. Resolved, That so much of the general provisions of the Constitution as do not conflict with the alterations or amendments proposed by the foregoing resolutions, be retained as part of this Constitution.

JAMES J. TROTTER,
Chairman.

On motion of Mr. Hurst,

Said report was received, and ordered to lie on the table.

On motion of Mr. Brandon,

Ordered that five hundred copies thereof be printed for the use of the Convention.

Mr. McMillan proposed for adoption the following resolution:

Resolved, That the copies of the Reports on the Judiciary Committee and those of the General Provisions be printed in pamphlet form.

And the question thereon being taken,

It was decided in the negative.

On motion of Mr. Farish,

The following resolution was adopted.

Resolved, That the Secretary of State be requested to prepare and furnish this Convention with a *tabular* statement, shewing the free white population in each county of this State, according to the census taken in the year 1830, and the number of votes cast in each county at the last election, if the means of furnishing such information be in his power.

On motion of Mr. Hurst,

The Convention proceeded to the consideration of the report of the select committee on the Bill of Rights; and

On motion of Mr. Johnson,

Went into a committee of the whole on said report, Mr. Brandon in the Chair;

When a motion was made by Mr. Quitman, that the committee proceed to consider the amendment proposed by him to the 28th section of the Bill of Rights.

And the question being taken thereon,

It was decided in the affirmative.

Mr. Magee proposed to amend the said amendment as follows:

Strike out the word "common."

The said amendment having been accepted by Mr. Quitman;

A motion was made by Mr. Howard further to amend Mr. Quitman's amendment as follows: "after all issues of facts."

And the question thereon being taken,

It was decided in the negative.

It was then moved by Mr. Granberry to amend the said amendment as follows—

Strike out "twenty" where it occurs in the amendment and insert "fifty."

A division of the question being called for,

It was taken on striking out and decided in the negative.

It was then moved by Mr. Freeland to amend the said amendment by adding at the end thereof the words following, to wit:

"Provided that the Legislature may fix the number necessary to form a jury for the trial of cases before a Justice of the Peace between the sum of twenty and fifty dollars, securing the right of appeal in all cases where the Legislature shall think fit."

And the question being taken thereon,

It was decided in the negative.

The question was then taken on Mr. Quitman's amendment proposed to the 28th section,

And was decided in the negative.

YEAS 21—NAYS 25.

The yeas and nays being called for by two members;

Those who voted in the affirmative are—

Messrs. Bacot, Black, Brandon, Duncan, Falconer, Farish, Freeland, Grayson, Greenleaf, Howard, Jefferson, Jones of Jones, Knox, Lowe, Magee, Morris, Quitman, Redd, Trotter, Williams, Wright—21.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Cain, Dickson, Floyd, Granberry, Hicks, Higgason, Hurst, Johnson, Jones of Pike, Keegan, Kennedy, Lynch, McLaughlin, McMillan, McRae, Pendleton, Pope, Rose, Runnels, Scott, Seamon, Stewart, Williamson—25.

So the amendment proposed by Mr. Quitman was lost.

The committee then, on motion of Mr. Hurst, rose—when the President resumed the chair, and Mr. Brandon reported that the committee of the whole had had the report of the select committee on the bill of Rights under their consideration, but having come to no decision thereon had instructed him to report progress and ask leave to sit again.

On motion of Mr. Johnson,

Ordered that said report be received and agreed to.

Then the Convention adjourned till two o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment—

When the following communication in writing, from Mr. Hugh L. French, Reporter to the Convention, was submitted by the President for the consideration of the Convention.

To the Hon. P. Rutilius R. Pray,
President of the Convention.

SIR—Permit me through you to tender to the House over which you preside my resignation as Reporter appointed under a resolution of that honorable body, to cause an abstract of the debates and proceedings to be published. Believing it is out of the power of one man and that it properly belongs to three or more, and believing that I have not the *physical* power to discharge the duty contemplated by the House, however adequate I might have been to the task I therefore beg leave in conclusion to tender to the members of the Convention my thanks for the manifestation of friendship evinced towards me during the time I have been with them.

HUGH L. FRENCH.

On motion of Mr. Dickson,

Said resignation was received and accepted.

Whereupon, on motion of Mr. Johnson,

The following resolution was adopted:

Resolved, That the committee of accounts be instructed to examine and report to the Convention what compensation Hugh L. French, late Reporter to this Convention, is entitled to for his services up to this time.

Mr. Williams submitted the following resolutions which were ordered to lie on the table.

1. Resolved, That the 17th section of the General Provisions be so modified as to read "Divorces from the bonds of matrimony shall be granted, only in cases provided for by law, by suit in Chancery."

Additional sections to the General Provisions.

2. Resolved, That no act of the General Assembly of a general nature ought to take effect, without a special provision to the contrary, until it has been published for four weeks in some public newspaper.

3. Resolved, That the words "in the Circuit court," be added to the 2nd section under the head of slaves in the General Provisions.

4. Resolved, That the 1st and 3rd articles of the schedule be stricken out, and the following provision be substituted:

"All rights vested and liabilities incurred shall remain the same, as though this Constitution had not been adopted."

5. Resolved, That the 7th section of the schedule be stricken out, and the following provision be substituted:

"Immediately upon the adoption of this Constitution the Governor shall issue writs of election directed to the Sheriff of the several counties, requiring them, upon the second Monday and day following in November next, to hold an election for members of the Legislature, which election shall be conducted pursuant to the laws now in force regulating elections, and the members so elected, shall convene at on the of January, 1833, and pass such laws as may be necessary for carrying into full effect the provisions of this Constitution: Said legislature shall provide by law for the speedy election of all officers created by this Constitution, who shall serve for the term prescribed thereby, and thence until their successors be duly qualified."

On motion of Mr. Greenleaf,

It was ordered that the said resolutions be printed with the other documents ordered to be printed on a similar subject.

On motion of Mr. Johnson,

The Convention *again* proceeded to the consideration of the report of the select committee on the bill of Rights,

And went into a committee of the whole on said report,

Mr. Brandon *again* in the chair.

Mr. Pray (president) then moved to amend the section of the Bill of Rights, as follows:

Strike out all after the word "evidence" and insert—

"And if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, th party shall be acquitted, and the jury shall have the right to determine the law and the facts."

And the question thereon being taken,

It was decided in the affirmative.

The committee then, on motion of Mr. Duncan rose, and the President resumed the chair,

When Mr. Brandon reported that the committee of the whole had had under their consideration the report of the select committee on the bill of Rights, but having come to no determination thereon, had instructed him to report progress and ask leave to sit again.

On motion of Mr. Brandon,

Ordered that said report be received and agreed to.

Mr. Duncan called for the consideration of the report of the select committee on the Bill of Rights, and moved that the said report lie on the table.

And the question being put,

It passed in the affirmative.

Mr. Morris proposed the following resolution:

Resolved, That copies of the report of the committee on the Bill of Rights, as amended, be printed.

Mr. Farish moved to fill said blank with "one hundred"—

But his motion did not prevail.

A motion was then made by Mr. Howard to fill said blank with "fifty"

And the question thereon being taken,

It was decided in the negative.

The question was then taken on the adoption of the resolution as proposed,

And decided in the negative.

On motion of Mr. Johnson,

The Convention proceeded to the consideration of the report of the select committee on the Legislative department of the Constitution, and went into committee of the whole on said report;

Mr. Freeland in the chair.

Mr. Brandon called for the reading of the Legislative department of the Constitution, section by section, and the report of the select committee proposing amendments thereto.

He then moved that the first resolution in the proposed amendment of the committee be adopted.

Mr. Runnels moved to amend said resolution as follows:

Strike out the words "one year" and insert in lieu thereof the words "six months."

A division of the question being called for, it was taken on striking out and decided in the negative.

Mr. Williams moved to amend the first resolution as follows:

Add after the word "vote" in the 6th line, the words "and shall have paid a state or county tax, or have been assessed therefor."

And the question being taken thereon,

It was decided in the negative.

Yea 1—Nays 45.

The yeas and nays being called for by two members,

In the affirmative—

Mr. Williams—1.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Bacot, Black, Brandon, Cain, Dickson, Duncan, Falconer, Farish, Floyd, Freeland, Granberry, Grayson, Greenleaf, Hicks, Higgason, Howard, Hurst, Jefferson, Johnson, Jones of Jones, Jones of Pike, Keegan, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, Morris, McRae, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Scott, Seamon, Stewart, Trotter, Williamson, Wright—45.

Mr. Higgason moved to amend the said first resolution as follows:

Strike out all after the word "States" in the fourth line, to the word "vote" in the sixth line, and insert "and shall have paid a State or County tax, or been enrolled in the militia."

Mr. Morris pronounced the amendment out of order.

The Chair decided it to be strictly in order.

From this decision of the Chair Mr. Morris took an appeal to the Convention.

And the question being put,

Shall the decision of the Chair stand as the decision of the Convention?

It passed in the affirmative.

Mr. Higgason's amendment being in order, and a division of the question having been called for, the vote was taken on striking out,

And decided in the negative.

Mr. Runnels moved to amend the first resolution as follows:

Strike out the word "six," and insert in lieu thereof the word "two."

Mr. Morris moved to amend said amendment as follows:

Strike out "two," and insert "three."

The amendment having been accepted by Mr. Runnels,

The question then recurred on the amendment proposed by him, and a division being called for, it was first taken on striking out,

And decided in the affirmative.

It was then moved by Mr. Johnson that the blank be filled with the word "seven,"

And the question being taken thereon,

It was decided in the negative.

It was then moved by Mr. Stewart to fill it with the word "five," which motion also proved unsuccessful.

It was then moved by Mr. Black that it be filled with the word "four."

This motion having prevailed,

The following amendment to the first resolution was proposed by Mr. Johnson:

Add to the end of the resolution—"Provided that every free white citizen of the United States who shall at the time he offers to vote be possessed in his own right of a freehold estate of forty acres of land or more, and shall inhabit the same, shall be a qualified elector in the county of his freehold and residence."

A motion was then made by Mr. Greenleaf, that the committee rise, report progress, and ask leave to sit again.

But the motion to rise did not prevail;

And the question recurring on the amendment proposed by Mr. Johnson,

It was moved by Mr. Morris that the said amendment be rejected.

And the question being taken thereon,

It was decided in the affirmative.

Mr. Scott moved the following as an amendment to the first resolution;

Strike out from the word "election" in the fifth line, to the word "shall" in the sixth line.

Mr. Stewart moved the indefinite postponement of said amendment.

The Chair decided the motion out of order.

Mr. Stewart then moved that the committee rise, report progress, and ask leave to sit again;

But the motion was negatived.

The question was then taken on Mr. Scott's amendment,

And decided in the negative.

Yeas 11—Nays 35.

The yeas and nays being demanded by two members—

Those who voted in the affirmative are—

Messrs. Austin, Floyd, Hicks, Higgason, Howard, Hurst, Runnels, Scott, Trotter, Williams, Wright—11.

Those who voted in the negative are—

Messrs. Pray, (president,) Bacot, Black, Brandon, Cain, Dickson, Duncan, Falconer, Farish, Freeland, Granberry, Grayson, Greenleaf, Jefferson, Johnson, Jones of Jones, Jones of Pike, Keegan, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, Morris, McRae, Pendleton, Pope, Quitman, Redd, Rose, Seamon, Stewart, Williamson—35.

Mr. Bacot proposed to amend the said first resolution, as follows:

Strike out all after the word "electors," the first time it occurs, in the sixth line.

Mr. Morris moved to amend the said first resolution, as follows:

Strike out all after the word "officer" and insert "that he could have voted for in the county of his residence."

Mr. Jefferson moved to amend said amendment, by adding at the end thereof the words following, to wit:

"Provided he be in the district for which said officer is to be elected."

Mr. Dickson moved that the committee rise, report progress, and ask leave to sit again.

And the question thereon being taken,

It was decided in the negative.

The question was then taken on the amendment proposed by Mr. Jefferson to the amendment offered by Mr. Morris,

And decided in the negative.

The question was then taken on Mr. Morris' amendment,

And passed in the affirmative.

Mr. Johnson proposed to amend the said first resolution as follows:

In the eighth line after the word "officer" insert "and members of Congress."

And the question thereon being taken,

It was decided in the affirmative.

The committee of the whole then on motion of Mr. Farish, rose; and the President resumed the chair,

When Mr. Freeland reported that the committee of the whole had had under their consideration the report of the select committee on the Legislative department of the Constitution, but had come to no determination thereon, and had instructed him to report progress and ask leave to sit again.

On motion of Mr. Freeland,

Ordered that said report be received and agreed to.

Then the Convention adjourned.

Thursday, September 20, 1832.

The Convention met pursuant to adjournment—

When the following petition was presented by Mr. Dickson from Greenwood Laflore, a native of the Choctaw nation.

To the Hon. the Convention of the State of Mississippi, now in session:

The undersigned, Greenwood Laflore, a native of the Choctaw nation, would respectfully represent in behalf of such a portion of his brethren who intend becoming citizens, according to the stipulations contained in the treaty of Dancing Rabbit, that they wish an article incorporated in the Constitution of the State of Mississippi, placing the said Choctaws upon an equal footing with the free white citizens of said State. Your petitioner respectfully represents that it is the intention of many of said Choctaws not to remove to their country beyond the Mississippi, but to remain and demean themselves as faithful citizens of the State of Mississippi, provided the same privileges and immunities are given to them that belong to the free white citizen thereof; and

Your petitioner as in duty bound will ever pray, &c.

GREENWOOD LAFLORE.

On motion of Mr. Dickson,

The following resolution was adopted:

Resolved, That the petition of Greenwood Laflore be referred to a select committee, with instructions to inquire into the expediency of extending the privileges prayed for in said petition.

The committee appointed were Messrs. Dickson, Wright, Black, Keegan and Quitman.

Mr. Hurst, from the committee of accounts, made the following report:

Mr. President:

The committee of accounts have had under consideration the claim of Hugh L. French, for services rendered by him as Reporter to this Convention, and have instructed me to report the following resolution:

Resolved, That Hugh L. French, Reporter to this Convention, be allowed the sum of thirty-five dollars for his services up to the day of his resignation.

On motion of Mr. Hurst,

Said report was received and agreed to.

Mr. Quitman made the following report:

MR. PRESIDENT:

The undersigned being a minority of the committee to whom was referred so much of the present Constitution as relates to the Judicial Department, to report what amendments and changes are, in their opinion, necessary therein—Respectfully represent, that being unable to agree with the majority of the committee in some essential points, presented by their Report, the undersigned have concluded to present their views upon the subject referred, in the following Resolutions, which they beg leave to report, and recommend to the Convention for adoption:

1. Resolved, That some amendments and changes are necessary in so much of the present Constitution as relates to the Judicial Department.

2. Resolved, That the Judicial Power of this State should be vested in,

1. One separate Supreme Court.
2. A separate Superior Court of Equity.
3. Circuit Courts of Law.
4. Probate Courts.
5. And such other inferior Courts as the Legislature may from time to time ordain and establish.

3. Resolved, That the said Supreme Court should consist of three Judges, any two of whom may constitute a quorum.

4. Resolved, That the Judges of said court should hold their offices for the term of six years.

5. Resolved, That the Supreme court should have no jurisdiction, but such as properly belongs to a court of Errors and Appeals.

6. Resolved, That the Legislature should have power to provide for the trial of causes in which one or more of the Judges of the Supreme court should be interested.

7. Resolved, That the State should be divided into convenient Circuits

and each Circuit should contain not less than four nor more than eight counties.

8. Resolved, That the Circuit Judges should be appointed by the Governor, by and with the advice and consent of a majority of the Representatives from the counties of the Circuit for which he shall be appointed: In case the majority of such Representatives should refuse to give their advice and consent to three successive nominations of the Governor, he should be required to present the name of one individual to the Senate; and the Representatives should nominate another, and the Senate should select one of them to be commissioned by the Governor.

9. Resolved, That the Judges of the Circuit courts should be required to reside within their respective Circuits.

10. Resolved, That the Judges of the Circuit Courts should hold their offices for the term of six years.

11. Resolved, That the Circuit Courts should have original jurisdiction in all criminal cases except in the trial of slaves for offences not capital; and the entire original jurisdiction in all matters of law where the amount or principal sum in controversy exceeds fifty dollars.

12. Resolved, That the Superior Court of Equity should have the entire original jurisdiction in matters of equity, where the value of the thing or the amount in controversy exceeds five hundred dollars; and such other jurisdiction as shall be vested in it by law.

13. Resolved, That the Judges of the Supreme court and the Chancellor should be appointed by the Governor, and with the advice and consent of the Senate: and the Chancellor should hold his office for the term of six years.

14. Resolved, That the Judges of Probate should hold their offices for the term of four years.

15. Resolved, That the Judges of said Court, for misdemeanor or corruption in office, in addition to impeachment, should be liable and subject to indictment, trial and punishment according to law as in other cases.

16. Resolved, That the Judges of said Courts, for neglect of duty or other reasonable cause, should be liable to removal from office, on the address of two thirds of each branch of the legislature.

17. Resolved, That no Judge should sit in a cause in which he is interested, or related to or connected with either of the parties.

18. Resolved, That the Legislature should provide by law for the establishment of suitable tribunals for county police.

19. Resolved, That the Supreme Court and the Superior Court of Equity should respectively appoint their own clerks.

20. Resolved, That the Clerks of all other Courts should be elected by the qualified electors of the county in which such court is held; but no person should be eligible as clerk without having at the time of his election a certificate of his qualifications, signed by at least two Judges of the Supreme Court.

21. Resolved, That for neglect of duty or misdemeanor in office, all

Clerks should be liable to indictment and trial, and upon conviction should be removed from office.

22. Resolved, That so much of the fifth article of the present Constitution as is not provided for by, or contrary to the above resolutions requires no amendment or change.

JOHN A. QUITMAN.
THOS. P. FALCONER.

On motion of Mr. Quitman,

Said report was received.

It was then ordered on motion of Mr. Greenleaf to lie on the table.

Mr. Greenleaf made the following report:

Mr. President,

The undersigned, one of the committee to whom was referred the Judicial Department of the Government, though concurring in much of the report as submitted, yet having been so unfortunate as not to agree upon all the propositions properly referred to that committee, respectfully begs leave to submit for the consideration of the Convention, the following resolutions on the subject of that department.

1. Resolved, That the Supreme Court shall consist of not less than three nor more than five Judges, as from time to time may be regulated by law; any two of whom shall form a quorum.

2. Resolved, That the Supreme Court shall have appellate jurisdiction only in all matters of law and equity: *Provided*, nothing in this article shall be so construed as to prevent said Judges from granting remedial and auxiliary writs, and to prevent the Legislature from giving the Supreme Court original jurisdiction in capital cases, and cases in chancery, where a Judge of one of the Circuit Courts or the Chancellor may be a party or interested.

3. Resolved, That a Court of Chancery shall be established, which shall be vested with exclusive original equity jurisdiction; and which court shall be held twice in every year in each Circuit Court district, and at such times as may be prescribed by law.

4. Resolved, That the Chancellor shall be elected by the qualified electors of the whole State, and shall hold his office for the term of eight years.

5. Resolved, That each Circuit Court Judge shall, by virtue of his office, be a Vice-Chancellor, and shall be authorized to hold courts and decide causes in the absence of the Chancellor; but his decrees shall not be final until signed by the Chancellor.

6. Resolved, That a County Court shall be established in each county, the jurisdiction and powers of which shall be prescribed by law: *Provided*, however, that said court shall not entertain original jurisdiction in any civil cause where the principal of the matter or sum in controversy exceeds fifty dollars; nor in any criminal cause, except for the trial of slaves.

7. Resolved, That the judicial officers of the County Court shall con-

sist of one chief justice and two associate justices, to be chosen by the qualified electors of each county, for the term of four years; and the chief justice shall be *ex officio* Judge of Probates.

8. Resolved, That Justices of the Peace, for wilful neglect of duty or other reasonable cause, shall be removed by the Governor, on the representation of a majority of the members of the Supreme Court: *Provided*, that the Justice of the Peace so intended to be removed shall be notified and admitted to a hearing in his own defence, before he shall be removed.

9. Resolved, That the Judges of the Supreme and Circuit Courts, the Chancellor, Chief Justice and Associate Justices of the County Courts, for wilful neglect of duty or other reasonable cause, may be removed by the Governor, on the address of two thirds of the House of Representatives: *Provided*, however, that the House of Representatives, previously to voting upon such address, shall be on oath or affirmation: *And provided*, that the cause or causes for which such removal may be required shall be stated at length in such address and on the journals of the House: *And provided further*, that the judge so intended to be removed shall be notified and admitted to a hearing in his own defence, before any vote for such address shall pass.

10. Resolved, That there shall be laid out and established by law as many Supreme Court districts as Supreme Court Judges, and the qualified electors of each district shall elect a Supreme Court Judge for such district.

11. Resolved, That in the election of the Chancellor and all judicial officers it shall require *three eighths* of the whole number of votes given in for such judicial officer to constitute an election.

12. Resolved, That whenever any judicial office becomes vacant by death, resignation, removal, or a failure to elect on the part of the people, it shall be filled thereafter only for the remainder of the unexpired term; and until the first regular annual election thereafter, or until the next meeting of the General Assembly thereafter, whichever may happen first, he vacancy shall be filled by an executive appointment.

13. Resolved, That whenever a vacancy of a judicial office is filled y the executive, to expire at the next meeting of the General Assembly, uch vacancy shall then be further filled thus: The Governor shall make ne nomination, and the representatives from the county or district (if it s a county or district judge to be appointed) or the representatives of the hole State, if it is the Chancellor to be appointed, shall also make one omination, which two nominations shall be transmitted to the Senate, ther one of which being confirmed by that body, the appointment so made hall stand until the next regular annual election before the people, and ntil the people make an election by the constitutional plurality.

14. Resolved, That the Clerks of all the Courts, except the Clerk of e Supreme Court, shall be elected by the qualified electors of the reective counties or districts in which the courts are held, and shall hold

their offices for four years; but may be suspended therefrom by the presiding judge of the court for alleged incompetency, neglect of duty, or misdemeanor in office; and shall be removed therefrom for incompetency, neglect of duty, or misdemeanor in office by the Supreme Court, which court shall determine both the law and the fact.

15. Resolved, That the Supreme Court shall appoint its own clerk, to hold for the term of six years, and that said clerk may be suspended by the Chief Justice of said Court, and removed by the Governor, on the address of *two thirds* of the House of Representatives.

16. Resolved, That the style of all process shall be "The State of Mississippi," and all prosecutions shall be carried on in the name and by the authority of "The State of Mississippi."

17. Resolved, That the Judges of the Supreme and Circuit Courts and the Chancellor shall by virtue of their office be conservators of the peace throughout the State.

Respectfully submitted.
D. GREENLEAF.

On motion of Mr. Keegan,

Said report was received; and

On motion of Mr. Greenleaf,

Ordered to lie on the table.

Mr. Quitman submitted the following resolution:

Resolved, That five hundred copies of the report of a minority of the committee on the Judicial department, signed by two of its members, be printed for the use of this Convention.

Mr. Higgason moved to amend said resolution as follows:

Strike out after the word "copies" and insert "of the reports of each o the minorities on the Judiciary department be printed for the use of this Convention."

And the question being taken thereon,

It was decided in the affirmative.

The question was then taken on the resolution as amended, and passed in the affirmative.

On motion of Mr. Johnson,

The Convention proceeded to the consideration of the resolution i troduced by him in relation to the standing hour to which the Conventio shall adjourn;

When a motion was made by Mr. Magee that the said resolution b amended as follows:

Strike out "eight" and insert "half past eight."

And the question being taken thereon,

It was decided in the negative.

The question was then taken on the adoption of said resolution,

And passed in the affirmative.

On motion of Mr. Johnson,

The Convention *again* proceeded to the consideration of the report the select committee on the Legislative department of the Constitution, and went into committee of the whole on said report;

Mr. Dickson in the chair.

When on motion of Mr. Brandon, the reading of said report was dispensed with for a short time, and the amendment proposed by Mr. Bacot on yesterday taken up;

And the question being taken on the adoption of said amendment,

It was decided in the negative.

Mr. Runnels moved a re-consideration of the vote taken on the amendment offered by him on yesterday to the first resolution of the report of the select committee on the Legislative department of the Constitution, proposing to strike out in said resolution the words "one year" and inserting the words "six months."

And the question being taken thereon,

It was decided in the negative.

It was then moved by Mr. Quitman that the committee of the whole rise, report progress and ask leave to sit again.

And the question being taken thereon,

It was decided in the negative.

On motion of Mr. Quitman,

It was ordered that so much of the proceedings had on this day in committee of the whole, as did not strictly belong to the report of the select committee under consideration, be stricken from the journals.

A motion was then made by Mr. Grayson to fill the first blank in the third resolution of the amendments reported by the select committee on the Legislative department, with the word "third" and the second blank with the word "November."

A division of the question being called for, it was taken on filling the blank in the first proposition,

And decided in the negative.

Mr. Grayson then asked and obtained leave to withdraw the second proposition embraced in his amendment.

Mr. Wright moved to fill the first blank in the said third resolution with the word "first."

And the question thereon being taken,

It passed in the affirmative.

Mr. Trotter moved to amend said resolution as follows:

Strike out the words "and the day following."

On this amendment a considerable discussion arose;

When a motion was made by Mr. Greenleaf that the committee rise, report progress, and ask leave to sit again; but the motion to rise proved unsuccessful, and the question recurring on the amendment proposed by Mr. Trotter, it was taken and decided in the negative.

Yeas 18—Nays 27.

The yeas and nays being demanded by two members;

Those who voted in the affirmative are—

Messrs. Bacot, Brandon, Cain, Duncan, Freeland, Grayson, Higgason, Howard, Hurst, Magee, McLaughlin, Morris, Pope, Quitman, Redd, Seamon, Trotter, Wright—18.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Black, Dickson, Falconer, Farish, Floyd, Granberry, Greenleaf, Hicks, Jefferson, Johnson, Jones of Jones, Jones of Pike, Keegan, Kennedy, Knox, Lowe, Lynch, McMillan, McRae, Pendleton, Rose, Runnels, Scott, Stewart, Williams—27.

The committee then on motion of Mr. Kennedy rose, and the President resumed the chair; when Mr. Dickson reported that the committee of the whole had had under their consideration the report of the select committee on the Legislative department of the Constitution, had made sundry amendments thereto, and had instructed him to ask leave to sit again.

On motion of Mr. Dickson,

Said report was received and agreed to.

And then the Convention adjourned until half past 2 o'clock, P. M.

HALF-PAST TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment,—

When the following resolution was submitted by Mr. Jefferson:

Resolved, That Henry Vose be appointed Reporter to this Convention.

And the question thereon being taken,

It passed in the affirmative,

YEAS 35—NAYS 7.

The yeas and nays being called for by two members;

Those who voted in the affirmative are—

Messrs. Pray, (president) Austin, Bacot, Black, Cain, Dickson, Duncan, Falconer, Farish, Floyd, Freeland, Grayson, Greenleaf, Higgason, Howard, Hurst, Jefferson, Johnson, Jones of Jones, Jones of Pike, Kennedy, Knox, Lowe, Magee, Morris, McRae, Pope, Quitman, Redd, Runnels, Scott, Seamon, Stewart, Trotter, Williams—35.

Those who voted in the negative are—

Messrs. Granberry, Hicks, Keegan, McLaughlin, McMillan, Pendleton, Rose—7.

Mr. Greenleaf submitted the following resolution:

Resolved, That a committee be appointed to examine the plan of reporting the debates of the proceedings of this Convention as adopted by Henry Vose, and that said committee report thereon, to this House whether in their opinion his plan will answer.

Mr. Stewart moved that said resolution lie on the table,

And the question being taken thereon,

It was decided in the negative.

The question then recurred on the adoption of said resolution,

And passed in the affirmative.

On motion of Mr. Floyd,

The following resolution was adopted;

Resolved, That R. M. Williamson be excused from further attendance on this House during his indisposition.

On motion of Mr. Stewart,

The Convention, resumed, again, in committee of the whole the consideration of the report of the select committee on the Legislative Department of the Constitution, Mr. Dickson again in the Chair.

Mr. Farish moved to fill the blank in the 3rd resolution of the report of the committee with the word "May,"

And the question being taken thereon,

It was decided in the negative.

Mr. Hurst moved to fill said blank with the word "April."

Mr. Wright proposed "November,"

And the question being taken thereon,

It was decided in the negative.

It was then moved, by Mr. Granberry, that it be filled with the word "August."

Mr. Howard proposed "October."

Mr. Knox "December."

And the question being taken thereon,

It was decided in the negative.

The question was then taken on the time proposed by Mr. Howard, which motion also failed.

It was then moved, by Mr. Pendleton, that it be filled with the word "September,"

And the question being taken thereon,

It was decided in the negative.

The question was then taken on "August," the time proposed by Mr. Granberry, which motion was also lost.

It was then moved, by Mr. Greenleaf, to fill the said blank with the word "July," which motion also proved unsuccessful.

Mr. Higgason then proposed that it be filled with the word "April,"

When the question was taken thereon,

And passed in the affirmative.

Mr. Morris moved a reconsideration of the vote taken on the filling said blank with the word "April,"

And the question being put,

Shall the vote be reconsidered?

It passed in the affirmative.

The question then recurred again on the filling said blank with the word "April,"

And was decided in the negative.

Mr. Morris proposed to fill the said blank with the word "March,"

Which motion proved equally unsuccessful.

Mr. Quitman then moved a reconsideration of the vote taken on the filling said blank with the word "May,"

And the question being taken thereon,

It passed in the affirmative.

The question then recurred on the filling said blank with the word "May,"

And decided in the affirmative.

A motion was then made, by Mr. Williams, to amend the said third resolution by adding at the end thereof, the words following, to wit:

"Provided that the polls shall not be kept open for more than one day, except at the place of holding courts in the several counties."

And the question being taken thereon,

It was decided in the negative.

YEAS, 10—NAYS, 34.

The yeas and nays being demanded by two of the members present.

Those who voted in the affirmative are

Messrs. Higgason, Hurst, Jefferson, Knox, Magee, McLaughlin, McRae, Pope, Seamon. Williams.—10.

Those who voted in the negative are

Messrs. Pray, (President,) Austin, Bacot, Black, Cain, Dickson, Duncan, Falconer, Farish, Floyd, Freeland, Granberry, Grayson, Greenleaf, Hicks, Howard, Johnson, Jones of Jones, Jones of Pike, Keegan, Kennedy, Lowe, Lynch, McMillan, Morris, Pendleton, Quitman, Redd, Rose, Runnels, Scott, Stewart, Trotter, Wright.—34.

Mr. Higgason moved to amend the fourth resolution of the report of the said committee, as follows:

Strike out the words "four years," in the fourth line, and insert "one year," and the word "year" in the fifth line, and insert "six months."

A division of the question being called for, it was taken on striking out,

And decided in the affirmative.

A motion was then made, by Mr. Quitman, that the said vote be reconsidered,

And the question being put,

It passed in the affirmative.

The question then recurring on striking out in the said amendment, and a division of the question of the two propositions embraced therein being called for, it was taken first on the first proposition to strike out,

And passed in the affirmative.

Mr. Higgason then moved to fill the said blank with the word "one year."

Mr. Black moved to amend Mr. Higgason's motion as follows:

Strike out the word "one year" and insert "two years."

And the question being taken thereon,

It passed in the affirmative.

Yeas 29—Nays 14.

The yeas and nays being demanded by two members present:

Those who voted in the affirmative are—

Messrs. Bacot, Black, Brandon, Dickson, Duncan, Falconer, Farish, Freeland, Granberry, Grayson, Hurst, Jefferson, Johnson, Jones of Jones, Keegan, Kennedy, Lowe, Lynch, Magee, McLaughlin, McMillan, Morris, McRae, Pendleton, Pope, Quitman, Rose, Seamon, Williams—29.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Cain, Floyd, Hicks, Higgason, Howard, Jones of Pike, Redd, Runnels, Scott, Stewart, Trotter, Wright —14.

So the amendment proposed by Mr. Black to Mr. Higgason's amendment prevailed.

The committee then, on motion of Mr. Runnels rose, and the President resumed the Chair; when Mr. Dickson reported that the committee had again had under their consideration the report of the select committee on the Legislative department of the Constitution; had made sundry amendments thereto, and had instructed him to ask leave to sit again.

On motion of Mr. Dickson,

Said report was received and agreed to.

Then the Convention adjourned.

Friday, September 21, 1832.

The Convention met pursuant to adjournment—

When the following resolution was submitted by Mr. Quitman;

Resolved, That the following section should be added to the General Provisions:

"No law shall ever be passed to borrow money upon the faith or credit of the State, nor shall the faith of the State ever be pledged for the payment of any debt, or redemption of any loan, upon any pretence whatever, without the concurrence of two-thirds of each branch of the Legislature."

On motion of Mr. Quitman,

Ordered that said resolution be committed to a committee of the whole House and made the order of the day for Monday next.

On motion of Mr. Johnson,

The Convention proceeded, in committee of the whole, again to consider the report of the select committee on the Legislative Department of the Constitution, Mr. Duncan in the Chair; when,

On motion of Mr. Trotter,

The committee considered the unfinished business of said report:

And the question recurring on the second member of the amendment proposed by Mr. Higgason, he asked and obtained leave to withdraw the second proposition in said amendment.

Mr. Hurst moved to amend the fourth resolution of the report of the select committee on the Legislative Department of the Constitution, in the words following, to wit:

Strike out the word "two" in the sixth line, and insert in lieu thereof the word "five."

A division of the question being called for—

It was taken first on striking out,

And decided in the affirmative.

When Mr. Freeland proposed to fill said blank with the word "five."

And the question thereon being taken,

It was decided in the negative.

YEAS, 7—NAYS, 38.

The yeas and nays being called for by two of the members present:

Those who voted in the affirmative are—

Messrs. Duncan, Freeland, Hurst, Johnson, Jones, of Jones, McLaughlin, McMillan—7.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Bacot, Black, Brandon, Cain, Dickson, Falconer, Farish, Floyd, Granberry, Grayson, Greenleaf, Hicks, Higgason, Howard, Jefferson, Jones, of Pike, Keegan, Kennedy, Knox, Lowe, Lynch, Magee, Morris, McRae, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Scott, Seamon, Stewart, Trotter, Williams, Wright—38.

It was then moved, by Mr. Higgason, to fill said blank with the word "one."

Mr. Keegan proposed to fill it with the word "three."

When a motion was made, by Mr. Grayson, that the committee reconsider the vote taken on the first propositon embraced in Mr. Hurst's amendment.

And the question being taken thereon,

It was decided in the negative.

The question was then taken on Mr. Keegan's motion, to fill the blank with the word "three"—

And decided in the negative.

YEAS, 17—NAYS, 28.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Bacot, Branden, Duncan, Farish, Freeland, Grayson, Hurst, Johnson, Jones, of Jones, Keegan, Knox, Lowe, McLaughlin, McMillan, Morris, Quitman, Williams—17.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Black, Cain, Dickson, Falconer, Floyd, Granberry, Greenleaf, Hicks, Higgason, Howard, Jefferson, Jones, of Pike, Kennedy, Lynch, Magee, McRae, Pendleton, Pope, Redd, Rose, Runnels, Scott, Seamon, Stewart, Trotter, Wright—28.

Mr. Morris then moved to fill said blank with the words "one year and six months."

And the question being taken thereon,

It was decided in the negative.

YEAS, 9—NAYS, 36.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Bacot, Brandon, Grayson, Hurst, Jones, of Jones, Morris, Pope, Quitman, Williams—9.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Black, Cain, Dickson, Duncan, Falconer, Farish, Floyd, Freeland, Granberry, Greenleaf, Hicks, Higgason, Howard, Jefferson, Johnson, Jones, of Pike, Keegan, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, McRae, Pendleton, Redd, Rose, Runnels, Scott, Seamon, Stewart, Trotter, Wright—36.

The question was then taken on the motion of Mr. Higgason to fill said blank with the word "one"—

And passed in the affirmative.

YEAS, 29—NAYS, 15.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (president) Austin, Black, Cain, Dickson, Falconer, Floyd, Granberry, Greenleaf, Hicks, Higgason, Howard, Jefferson, Jones, of Pike, Kennedy, Lynch, Magee, McRae, Pendleton, Pope, Redd, Rose, Runnels, Scott, Seamon, Stewart, Trotter, Williams, Wright—29.

Those who voted in the negative are—

Messrs. Bacot, Brandon, Duncan, Farish, Freeland, Grayson, Hurst, Johnson, Jones, of Jones, Keegan, Knox, McLaughlin, McMillan, Morris, Quitman—15.

Mr. Dickson moved to amend the fifth resolution of the report of the said committee as follows:

Strike out "General Assembly," wherever it occurs, and insert "Legislature."

And the question being taken thereon,

It was decided in the affirmative.

Mr. Runnels moved to amend the said fifth resolution as follows:

Insert after the word "shall" in the third line, the words "at their first session;" and in place of the words "last census," in the fourth line, insert the words "thereafter."

Mr. Falconer proposed to amend the said amendment as follows:

Amend by adding in the third line, between the words "than" and "three" and the words "than" and "five" the word "every."

Which being accepted by Mr. Runnels,

The question was taken on the amendment proposed by him, as amended, and passed in the affirmative.

Mr. Higgason moved the following as an amendment to the said fifth resolution:

Strike out the word "three" and insert "two" and the word "five" in the same line, and insert "four."

A division of the question being called for,

It was taken first on striking out in the first proposition, and decided in the affirmative.

It was then moved, by Mr. Higgason, to insert in the said blank the word "two."

Mr. Black moved to insert "four."

And the question being put,

~~It~~ passed in the affirmative.

The question was then taken on striking out in the second member of Mr. Higgason's amendment,

And decided in the affirmative.

Mr. Black then moved to fill said blank with the word "six,"

Mr. Morris proposed the word "eight;"

And Mr. Hurst the word "ten."

The question was first taken on the number proposed by Mr. Hurst,

And decided in the negative.

YEAS, 4—NAYS, 41.

The yeas and nays being called for by two of the members present:

Those who voted in the affirmative are—

Messrs. Bacot, Hurst, Johnson, Morris—4.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Black, Brandon, Cain, Dickson, Duncan, Falconer, Farish, Floyd, Freeland, Granberry, Grayson, Greenleaf, Hicks, Higgason, Howard, Jefferson, Jones of Jones, Jones of Pike, Keegan, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, McRae, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Scott, Seamon, Stewart, Trotter, Williams, Wright—41.

The question was then taken on the motion made by Mr. Morris, to fill said blank with the word "eight,"

And decided in the negative.

YEAS, 8—NAYS, 36.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Bacot, Farish, Hurst, Johnson, Jones of Jones, Morris, Stewart, Williams—8.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Black, Brandon, Cain, Dickson, Duncan, Falconer, Floyd, Freeland, Granberry, Grayson, Hicks, Higgason, Howard, Jefferson, Jones of Pike, Keegan, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, McRae, McMillan, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Scott, Seamon, Trotter, Wright—36.

The question then recurred on the motion of Mr. Black, to fill the said blank with the word "six;"

And passed in the affirmative.

YEAS, 41—NAYS, 3.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (president) Austin, Bacot, Black, Brandon, Cain, Duncan, Falconer, Farish, Floyd, Freeland, Granberry, Grayson, Hicks, Higgason, Howard, Hurst, Jefferson, Johnson, Jones of Jones, Jones of Pike, Keegan, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, McRae, Pendleton, Pope, Redd, Rose, Runnels, Scott, Seamon, Stewart, Trotter, Williams, Wright—41.

Those who voted in the negative are—

Messrs. Dickson, Morris, Quitman—3.

Mr. Black moved to amend the said fifth resolution as follows:

Insert after the word "years" in the fourth line, the words "until the year 1845, and thereafter at periods of not less than every four, nor more than every eight years."

And the question thereon being taken,

It passed in the affirmative.

Mr. Scott moved to amend said resolution as follows:

Strike out all after the word "hundred" in the ninth line.

A motion was then made by Mr. Dickson, that the committee rise, report progress and ask leave to sit again.

And the question being put,

It passed in the affirmative.

The committee then rose and the President resumed the chair;

When Mr. Duncan reported that the committee of the whole had had under their consideration the report of the select committee on the Legislative department of the Constitution; had made sundry amendments thereto, but not having sufficient time to go through the whole of the business, had instructed him to ask leave to sit again.

On motion of Mr. Dickson,

Said report was received and agreed to.

Then the House adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment—

When the President announced to the Convention the receipt of the following written communication from the Secretary of State, which was read and ordered to lie on the table:

SECRETARY OF STATE'S OFFICE,

JACKSON, SEPT. 20, 1832.

The Honorable P. R. R. Pray, President of the Convention:

Sir,—I have the honor to state that, in obedience to a resolution adopted on yesterday by the honorable body over which you preside, requesting the Secretary of State to "prepare and furnish the Convention with a tabular statement, shewing the free white population in each county of this State, according to the census taken in 1830, and the number of votes cast in each county at the last election:" I have endeavored to furnish the information desired; but for the want of the necessary data find it impracticable to prepare a statement which will shew the full and true vote of each county of the State. And, in fact, this object cannot be attained with any degree of precision where there have been several persons elected for the same station; as was the case in most of the counties at the recent election. The nearest approach I am enabled to make to it is by adding together the votes given in each county for Representatives in Congress, and dividing the amount by two; but the results thus produced is far from correct. This is proven by comparing the aggregate vote founded upon this principle with the aggregate vote for Governor, in August, 1831.—The comparison showing a majority of upwards of seven hundred votes in favor of the election in 1831—when it is presumable the contrary would be the fact, were the means of making a correct estimate within our reach.

The information requested in the first proposition of the resolution will be found in an abstract hereto appended, which I have the honor to hand to you, to be laid before the Convention.

I am, very respectfully, your obedient servant,

JOHN A. GRIMBALL,
Secretary of State.

Abstract of the Census for the year 1830.

COUNTIES.	MALES.	FEMALES.	TOTAL.	TAXABLES.
Hinds,	2931	2409	5340	1286
Copiah,	2776	2401	5177	927
Claiborne,	1946	1533	3479	990
Wilkinson,	2117	1996	4113	1134
Madison,	1544	1233	2777	532
Simpson,	1146	1021	2167	382
Yazoo,	2332	1746	4078	831
Warren,	1784	1403	3187	839
Jefferson,	1795	1436	3231	953
Covington,	967	884	1851	303
Amite,	2040	1703	3743	887
Green,	675	566	1241	244
Wayne,	915	800	1715	321
Pike,	2140	1753	3893	800
Washington,	485	374	859	216
Franklin,	1271	1120	2391	415
Perry,	681	685	1366	275
Lowndes,	1180	1043	2223	411
Rankin,	870	771	1641	272
Jones,	644	595	1239	159
Lawrence,	1238	1566	3497	693
Monroe,	1528	1301	2829	408

Marion,	1109	959	2068	395
Jackson,	612	530	1142	126
Adams, incl'g Natchez,	1789	1550	3309	1032
Hancock,	709	640	1349	
	37224	31988	69905	14831

The above is a true abstract from the returns made to my office.

JOHN A. GRIMBALL,
Secretary of State.

On motion of Mr. Greenleaf,

The following resolution was adopted:

Resolved, That one hundred copies of the communication received from the Secretary of State, be printed for the use of this Convention.

The convention then, on motion of Mr. Johnson, resumed in committee of the whole, the consideration of the report of the select committee on the Legislative Department of the Constitution, Mr. Duncan again in the Chair.

It was then moved by the President that the committee proceed to the consideration of the amendment proposed by Mr. Scott, on this day,

And the question being taken thereon,

It was decided in the affirmative.

The question then recurred on Mr. Scott's amendment, but before the vote was taken he announced to the committee that he would suspend his amendment for a short time, for the purpose of allowing Mr. Floyd to introduce an amendment, which he wished the committee first to act upon.

Mr. Floyd then proposed his amendment, which is as follows:

In the fifth line, add, after the word "Representatives," "to both branches of the Legislature."

And the question being taken thereon,

It was decided in the negative.

It was then moved, by Mr. Scott, that the question be taken on his amendment,

And the said question being taken,

It was decided in the negative.

YEAS, 7—NAYS, 36.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Grayson, Hicks, Higgason, Magee, Quitman, Redd Scott.—7.

Those voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Black, Dickson, Duncan, Falconer, Farish, Floyd, Freeland, Granberry, Greenleaf, Howard, Hurst, Jefferson, Johnson, Jones of Jones, Jones of Pike, Keegan, Kennedy, Knox, Lowe, Lynch, McLaughlin, McMillan, Morris, McRae, Pendleton, Pope, Rose, Runnels, Seamon, Stewart, Trotter, Williams, Wright.—36.

Mr. Stewart moved to amend the sixth resolution of the report of the select committee as follows:

Strike out all after the word "electors," in the third line, and insert in lieu thereof, "and shall serve for the term of two years from the day of the commencement of the General Election."

A division of the question being called for, it was taken on striking out,

And decided in the negative.

YEAS, 8—NAYS, 36.

The yeas and nays being demanded by two of the members present.

Those who voted in the affirmative are—

Messrs. Cain, Floyd, Johnson, Kennedy, Quitman, Rose, Scott, Stewart.—8.

Those who voted in the negative are—

Messrs. Pray, (president,) Austin, Bacot, Black, Brandon, Dickson, Duncan, Falconer, Farish, Freeland, Granberry, Grayson, Greenleaf, Hicks, Higgason, Howard, Hurst, Jefferson, Jones of Jones, Keegan, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, Morris, McRae, Pendleton, Pope, Redd, Runnels, Seamon, Trotter, Williams, Wright.—36.

Mr. Higgason moved to amend the seventh resolution as follows:

Strike out in the fourth line, the word "four," and insert "two."

A division of the question being called for, it was taken on striking out,

And decided in the negative.

Mr. Black moved to amend said resolution as follows:

Strike out the words "twenty six," in the sixth line, and insert "thirty" in lieu thereof.

A division of the question being called for, it was taken first on striking out,

And decided in the affirmative.

A motion was then made by Mr. Knox, that the said vote be reconsidered,

And the question being taken thereon,

It was decided in the negative.

It was then moved, by Mr. Hurst, to fill the said blank with the words "thirty five,"

And the question being taken thereon,

It was decided in the negative.

The question then recurred on the second proposition embraced in Mr. Black's amendment to insert "thirty,"

And was decided in the affirmative.

Mr. Hicks moved to amend the said seventh resolution as follows:

Strike out "one year," in the fifth line, and insert in lieu thereof, the words "four months."

A division of the question being called for, it was taken on striking out,

And decided in the negative.

Mr. Farish moved to amend the eleventh resolution as follows:

Fill the first blank with the word "first," and the second blank with the word "May,"

And the question being taken thereon,

It passed in the affirmative.

Mr. Runnels then moved that the committee rise, report progress, and ask leave to sit again;

And the question being taken thereon,

It was decided in the negative.

It was then moved, by Mr. Morris, to fill the first blank in the twelfth resolution of the report of the select committee, with the word "Clinton;"

But before a vote was taken thereon,

The committee, on motion of Mr. Wright, rose, and the President resumed the chair; when

Mr. Duncan reported, that the committee of the whole had *again* had under their consideration the report of the select committee on the Legislative Department of the Constitution, and had made sundry amendments thereto; but not having time to go through with the whole of the business, had instructed him to report progress and ask leave to sit again.

On motion of Mr. Dickson,

Said report was received and agreed to.

Then the Convention adjourned.

Saturday, September 22, 1832.

The Convention met pursuant to adjournment—

When the following resolution was submitted by Mr. Howard:

Resolved, That the Secretary of State be requested to furnish this Convention with a tabular statement of the votes given in the several counties in this State, at the August elections, in the years 1831 and 1832, as fully as he is able to do from the returns in his office.

And the question being taken thereon,

It passed in the affirmative.

On motion of Mr. Granberry,

It was ordered that Mr. Rose, a member from the county of Copiah, be excused from farther attendance on the Convention, during his indisposition.

Mr. Trotter called for the consideration of the report of the select committee on the Legislative department of the Constitution; which call was sustained by the Convention; but before any proceedings were had on said report,

Mr. Hurst submitted the following resolution:

Resolved, That it is expedient to proceed, forthwith, to fill the first blank in the second line of the last resolution, in the report of the committee on the Legislative department of the Constitution, by ballot.

Mr. Runnels moved to amend said resolution as follows:

Strike out the word "forthwith."

Mr. Quitman pronounced the resolution out of order. He stated that inasmuch as the committee of the whole had had the report of the select committee on the Legislative department of the Constitution under their consideration, and had asked leave to sit again on said report, that it properly belonged to the committee of the whole, and that no action could be had thereon in the House until the committee were relieved from its further consideration.

The President sustained the opinion of Mr. Quitman, and pronounced the resolution out of order.

The Convention, then, on motion of Mr. Trotter, resumed, in committee of the whole, the consideration of the report of the select committee on the Legislative department of the Constitution;

Mr. Hurst in the chair.

Whereupon,

On motion of Mr. Trotter,

The committee proceeded to consider that part of the report of the select committee which they had under consideration on yesterday,

When the question recurred on the motion of Mr. Morris, to fill the first blank in the twelfth resolution of the report of the select committee with the word "Clinton;"

And was decided in the negative.

YEAS, 12—NAYS, 33.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Brandon, Dickson, Farish, Freeland, Grayson, Higgason, Jefferson, Morris, Runnels, Stewart, Trotter, Williams—12.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Bacot, Black, Cain, Duncan, Falconer, Floyd, Granberry, Greenleaf, Hicks, Howard, Hurst, Johnson, Jones of Jones, Jones of Pike, Keegan, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, McRae, Pendleton, Pope, Quitman, Redd, Rose, Scott, Seamon, Wright—33.

Mr. Farish moved to fill said blank with the word "Jackson,"

And the question thereon being taken,

It passed in the affirmative.

YEAS, 26—NAYS 19.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President) Bacot, Cain, Falconer, Granberry, Hicks Howard, Hurst, Johnson, Jones of Jones, Jones of Pike, Keegan, Kennedy, Lowe, Lynch, McLaughlin, McMillan, Morris, McRae, Pendleton, [illegible] Rose, Scott, Seamon, Stewart, Trotter—26.

Those who voted in the negative are—

Messrs. Austin, Black, Brandon, Dickson, Duncan, Farish, Floyd, Freeland, Grayson, Greenleaf, Higgason, Jefferson, Knox, Magee, Quitman, Redd, Runnels, Williams, Wright—19.

Mr. Farish moved to fill the second blank in said resolution with the word "Hinds."

And the question being taken thereon,

It passed in the affirmative.

Mr. Trotter moved to amend said resolution as follows:

Strike out the words "eighteen hundred and fifty" and insert in lieu thereof the words "eighteen hundred and forty."

A division of the question being called for,

I was first taken on striking out,

And decided in the negative.

Mr. Falconer moved the following as an amendment to said resolution:

Amend, by adding between the words "until" and "the" in the second line, the words "the end of the session, to be held in" and between the words "eighteen hundred and fifty" and the word "that" the following words, to wit:

"During that session the Legislature shall have power to designate by law the permanent Seat of Government, which shall not thereafter be changed: *Provided*, however, that unless such designation be then made by law, the Seat of Government shall continue permanently at the town of Jackson."

The committee then, on motion of Mr. Grayson, rose, and the President resumed the Chair; when

Mr. Hurst reported that the committee of the whole had again had under their consideration the report of the select committee on the Legislative Department of the Constitution, had made some progress therein, but not having time to go through the whole of the business, had instructed him to report progress and ask leave to sit again.

On motion of Mr. Grayson,,

Ordered that said report be received and agreed to.

Then the Convention adjourned 'till Monday morning,

Monday, September 24, 1832.

The Convention met pursuant to adjournment—

And the resolution submitted by Mr. Quitman on Saturday, proposing to add another section to the general provisions, to prevent the passage of a law to borrow money upon the faith or credit of the State, or the faith of the State being pledged for the payment of any debt, or redemption of any loan, upon any pretence whatever, without the concurrence of two thirds of each branch of the Legislature, being in order for a committee of the whole—

It was ordered, on motion of Mr. Quitman, that the order on said resolution be postponed till to-morrow.

Mr. Greenleaf made the following report:

MR. PRESIDENT:

The committee appointed to examine the plan of reporting the debates of the Convention as adopted by Henry Vose, have had the same under consideration, and have instructed me to report that in their opinion the plan will answer the purpose intended, and meet the views of the Convention.

On motion of Mr. Stewart,

Said report was received and agreed to.

On motion of Mr. Johnson,

The Convention resumed, in committee of the whole, the consideration of the report of the select committee on the Legislative Department of the Constitution, Mr. Williams in the Chair;

And on motion of Mr. Morris,

Proceeded to consider the amendment proposed by Mr. Falconer on Saturday last, to the 12th resolution embraced in the amendment of said committee—

And the question recurring on the adoption of said amendment, Mr. Falconer withdrew the said amendment, and proposed the following:

Amend, by adding between the words "1850," and the word "that," the following: "during the first session thereafter, the Legislature shall have power to designate by law, the permanent Seat of Government which shall not thereafter be changed: *Provided, however*, that unless such designation be then made by law, the Seat of Government shall continue permanently at the town of Jackson."

And the question being taken thereon,

It passed in the affirmative.

YEAS, 31—NAYS, 11.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (president) Austin, Bacot, Black, Brandon, Cain, Dickson, Duncan, Falconer, Farish, Freeland, Hicks, Howard, Hurst, Jefferson, Johnson, Jones of Jones, Kennedy, Lynch, McLaughlin, McMillan, Morris, McRae, Pendleton, Pope, Quitman, Rose, Seamon, Stewart, Scott, Williams—31.

Those who voted in the negative are—

Messrs. Floyd, Grayson, Greenleaf, Higgason, Jones of Pike, Knox, Magee, Redd, Runnels, Trotter, Wright—11.

Mr. Trotter moved a reconsideration of the vote taken on Saturday last, on the motion to insert the word "Jackson" in the first blank of the

12th resolution of the amendments reported by the select committee on the Legislative department of the constitution,

And the question being taken thereon,

It was decided in the negative.

YEAS, 19—NAYS, 24.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Austin, Black, Brandon, Farish, Floyd, Freeland, Grayson, Greenleaf, Higgason, Jefferson, Jones of Pike, Knox, Magee, Quitman, Redd, Runnels, Trotter, Williams—19.

Those who voted in the negative are—

Messrs. Pray, (president) Bacot, Cain, Dickson, Duncan, Falconer, Hicks, Howard, Hurst, Johnson, Jones of Jones, Keegan, Kennedy, Lynch, McLaughlin, McMillan, Morris, McRae, Pendleton, Pope, Rose, Seamon, Stewart, Scott—24.

Mr. Quitman moved to amend the said 12th resolution of the report of the select committee on the Legislative department of the constitution, as follows:

Strike out the word "two" in the third line, and the last letter in the word "years."

And the question being taken thereon,

It was decided in the negative.

YEAS, 7—NAYS, 33.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Brandon, Dickson, Greenleaf, Howard, Morris, Quitman, Seamon—7.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Bacot, Black, Cain, Duncan, Falconer, Farish, Floyd, Freeland, Grayson, Hicks, Higgason, Hurst, Jefferson, Johnson, Jones of Jones, Jones of Pike, Kennedy, Knox, Lynch, Magee, McLaughlin, McMillan, Pope, Redd, Rose, Runnels, Stewart, Scott, Trotter, Williams, Wright—33.

Mr. Farish moved to amend the said 12th resolution as follows:

Fill the first blank in the third line with the word "third."

Mr. Falconer moved that the committee rise, report progress, and ask leave to sit again.

And the question being taken thereon,

It was decided in the affirmative.

The committee then rose, and the President resumed the Chair; when

Mr. Williams reported, that the committee of the whole had had the report of the select committee on the Legislative Department of the Constitution under consideration, had made some progress therein, but not having time to go through the whole of the business before them, had instructed him to report progress and ask leave to sit again.

On motion of Mr. Williams,

Ordered that said report be received and agreed to.

And then the Convention adjourned 'til 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment—

And, on motion of Mr. Johnson, resumed, in committee of the whole, the consideration of the report of the select committee on the Legislative Department of the Constitution, Mr. Williams *again* in the Chair.

When the question recurred on the motion made by Mr. Farish to fill the first blank in the third line of the 12th resolution with the word "third"

And was decided in the affirmative.

Mr. Farish then moved further to amend the said 12th resolution as follows:

Fill the 2nd blank in the third line of said resolution, with the word "November."

And the question being taken thereon,

It passed in the affirmative.

Mr. Johnson moved to amend the said report of the select committee by adding thereto, at the end of the 12th resolution the words following, to wit:

"Provided that the Legislature at the first session after any general election shall have power by resolution to adjourn to meet at such time in the succeeding year, as it may deem necessary and proper."

And the question being taken thereon,

It was decided in the negative.

Mr. Quitman moved to amend the 5th resolution of the report of said committee as follows:

In the 9th line after the words "one hundred" insert the words "and fifty."

And the question being taken thereon,

It was decided in the negative.

The committee then, on motion of Mr. Johnson, rose, and the President resumed the Chair; when,

Mr. Williams reported, that the committee of the whole had had under their consideration the report of the select committee on the Legislative Department of the Constitution, and had made sundry amendments thereto, which he was instructed to report to the House.

On motion of Mr. Williams,

Said report was received, and ordered to lie on the table.

The Convention then, on motion of Mr. Johnson, proceeded in committee of the whole to the consideration of the report of the select committee on the Executive Department of the Constitution, Mr. Redd in the Chair,

Mr. Farish moved to amend said report as follows:

Strike out the words "General Assembly" wherever it occurs, and insert in lieu thereof the word "Legislature."

And the question being taken thereon,

It passed in the affirmative.

Mr. Jefferson moved to amend the second resolution of said report as follows:—

Strike out after the word "state" in the first line, to the end of the sentence.

And the question being taken thereon,

It passed in the affirmative.

The third resolution of the report of the said select committee was then read, when Mr. Stewart moved the following amendment thereto:

Strike out all after the word "election" in the third line of said resolution.

Mr. Hurst moved to amend said amendment, as follows:

Strike out the word "eight" in the fourth line of said resolution, and insert the word "six;" but before any vote was taken thereon,

The committee, on motion of Mr. Grayson, rose—and the President resumed the chair, when Mr. Redd reported that the committee of the whole had had the report of the Executive department of the Constitution under consideration, and had made some progress therein, but not having time to go through the whole of the business before them, had instructed him to report progress and ask leave to sit again.

On motion of Mr. Grayson,

Ordered that said report be received.

A motion was then made by Mr. Runnels, that the said report lie on the table.

And the question being taken thereon,

It was decided in the negative.

The Convention, then, on motion of Mr. Grayson, *again* went into committee of the whole on said report;

Mr. Grayson in the chair.—

And the question recurring on the amendment proposed by Mr. Hurst, to the amendment offered by Mr. Stewart—

And a division of the question having been demanded,

The vote was first taken on the first proposition of Mr. Hurst's amendment to strike out,

And decided in the affirmative.

It was then taken on the second proposition to insert the word "six;"

And passed in the affirmative.

The question was then taken on Mr. Stewart's amendment, as amended,

And decided in the negative.

Mr. Morris moved the following as an amendment to the said third resolution:

Strike out "have been" in the first line, and insert "be." After the word "a" insert "native." Strike out in the 2d line "for twenty years."

And the question being taken thereon,

It was decided in the negative.

Yeas, 2—Nays, 40.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Bacot, Morris—2.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Brandon, Cain, Dickson, Duncan, Falconer, Farish, Floyd, Freeland, Granberry, Grayson, Greenleaf, Hicks, Higgason, Howard, Hurst, Jefferson, Johnson, Jones of Jones, Jones of Pike, Knox. Lowe, Lynch, Magee, McLaughlin, McMillan, McRae, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Seamon, Stewart, Scott, Trotter, Williams, Wright—40.

The seventh of the said resolutions being read, the following amendment thereto was proposed by Mr. Quitman:

Strike out "contagious disorders" in the third line, and insert "disease."

And the question thereon being taken,

It was decided in the affirmative.

The tenth resolution was then read, and the following amendment proposed thereto by Mr. Scott:

In the second line, strike out the words "and remit fines and forfeitures."

And the question being taken thereon,

It was decided in the negative.

Mr. Scott moved to amend the 14th resolution of the said report as follows:—

Strike out the words from the word "be" in the first line, to the word "who" in the second line."

And the question being taken thereon,

It passed in the affirmative.

Mr. Scott moved to fill the said blank with the words "elected by the qualified electors of the State."

And the question being taken thereon,

It passed in the affirmative.

The 15th resolution being read, the following amendment thereto was proposed by Mr. Stewart:

Strike out, in the fifth line, the words "two-thirds" and insert in lieu thereof the words "a majority." Strike out, in the seventh line, the words "two-thirds" and insert in lieu thereof the words "a majority."

A division of the question being called for;

It was taken on striking out,

And decided in the negative.

Mr. Knox moved to amend the said 15th resolution as follows:

Strike out, in the second line, from the word "Governor" to the word "shall" in the same line, and insert "who, if he approve it."

A division of the question being called for;

It was taken on striking out;

And decided in the negative.

Mr. Greenleaf moved to amend the said resolution as follows:

After the word "constitutional" in the second line, insert "and if he approve it."

And the question being taken thereon,

It was decided in the negative.

Mr. Magee proposed to amend the said resolution as follows:

Insert after the word "constitutional" in the second line, the words "and expedient."

And the question thereon being taken,

It was decided in the negative.

Mr. Morris proposed to strike out the whole of said resolution.

And the question being taken thereon,

It was decided in the negative.

Yeas, 20—Nays, 23.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Bacot, Brandon, Farish, Freeland, Grayson, Greenleaf, Higgason, Howard, Knox, Magee, McLaughlin, Morris, McRae, Pope, Quitman, Redd, Runnels, Scott, Williams, Wright—20.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Cain, Dickson, Duncan, Falconer, Floyd, Granberry, Hicks, Hurst, Jefferson, Johnson, Jones of Jones, Jones of Pike, Lowe, Lynch, McMillan, Pendleton, Rose, Seamon, Stewart, Trotter—22.

The 19th resolution being read, the following amendment thereto was proposed by Mr. Scott:

Strike out all in the third line, after the word "removed."

Mr. Hurst moved to amend the said resolution, as follows:

Strike out "eight," in the third line, and insert "six."

A division of the question being demanded,

It was taken first on striking out, and passed in the affirmative.

It was then taken on inserting the word "six,"

And decided in the affirmative.

The question then recurred on the amendment proposed by Mr. Scott,

And was decided in the affirmative.

YEAS 27—NAYS 15.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (president,) Austin, Bacot, Cain, Dickson, Floyd, Granberry, Greenleaf, Hicks, Higgason, Hurst, Jones of Jones, Jones of Pike, Knox, Lowe, McMillan, Morris, Pendleton, Pope, Redd, Rose, Runnels, Seamon, Stewart, Scott, Trotter, Williams—27.

Those who voted in the negative are—

Messrs. Brandon, Duncan, Falconer, Farish, Freeland, Grayson, Howard, Jefferson, Johnson, Lynch, Magee, McLaughlin, McRae, Quitman, Wright—15.

The committee, then, on motion of Mr. Quitman, rose; and the President resumed the chair, when Mr. Grayson reported that the committee of the whole had had under their consideration the report of the select committee on the Executive department of the constitution, and had made sundry amendments thereto, but not having sufficient time to go through the whole of the business before them, had instructed him to report progress and ask leave to sit again.

On motion of Mr. Dickson,

Ordered that said report be received and agreed to.

Mr. Stewart moved that the Convention adjourn until half past eight o'clock, A. M. to-morrow.

And the question thereon being taken,

It passed in the affirmative.

Yeas 23—Nays 18.

The yeas and nays being demanded by two of the members present;

Those who voted in the affirmative are—

Messrs. Pray, (president) Austin, Cain, Dickson, Falconer, Floyd, Grayson, Greenleaf, Higgason, Howard, Hurst, Jones of Jones, Jones of Pike, Knox, Lowe, Magee, McLaughlin, McRae, Pope, Quitman, Redd, Runnels, Stewart—23.

Those who voted in the negative are—

Messrs. Bacot, Brandon, Duncan, Farish, Freeland, Granberry, Hicks, Jefferson, Johnson, Lynch, McMillan, Morris, Pendleton, Seamon, Scott, Trotter, Williams, Wright—18.

So the motion to adjourn prevailed,

And then the Convention adjourned.

Tuesday, September 25, 1832.

The Convention met pursuant to adjournment—

And the resolution to add another section to the general provisions to prevent the passage of a law to borrow money upon the faith, or credit of the State, or the faith of the State being pledged for the payment of any debt or redemption of any loan upon any pretence whatever, without the concurrence of two-thirds of each branch of the Legislature, being in order for a committee of the whole, the Convention *resolved* itself into a committee of the whole on said resolution, Mr. Kennedy in the Chair, and after some time being spent therein, the President resumed the chair, and

Mr. Kennedy reported that the committee of the whole had had said resolution under their consideration, and had instructed him to report the same without amendment.

Mr. Kennedy moved, that said report be received and agreed to.

A division of the question being called for,

It was first taken on receiving,

And passed in the affirmative.

It was then moved, by Mr. Johnson, that said report lie on the table,

And the question being taken thereon,

It was decided in the negative.

Yeas 18—Nays 26.

The yeas and nays being demanded by two of the members present;

Those who voted in the affirmative are—

Messrs. Austin, Cain, Floyd, Greenleaf, Hicks, Higgason, Hurst, Johnson, Lynch, McLaughlin, Pendleton, Pope, Runnels, Stewart, Scott, Trotter, Williamson, Wright—18.

Those who voted in the negative are—

Messrs. Pray, (President) Bacot, Black, Brandon, Dickson, Duncan, Falconer, Farish, Freeland, Granberry, Grayson, Howard, Jefferson, Jones of Jones, Jones of Pike, Kennedy, Knox, Lowe, Magee, McMillan, Morris, McRae, Quitman, Redd, Seamon, Williams—26.

The question then recurred on agreeing to said report,

When a motion was made, by Mr. Trotter, that the House adjourn till two o'clock, P. M.

And the question being taken thereon,

It was decided in the negative.

It was then moved, by Mr. Farish, that there be a call of the House.

A motion was then made, by Mr. Wright, that the House adjourn, till 2 oclock, P. M.

And the question being taken thereon,

It passed in the affirmative.

So the House adjourned till two o'clock, P. M.

TWO O'CLOCK, P. M.

The House met pursuant to adjournment—

And on motion of Mr. Quitman,

Proceeded to the consideration of the report of the committee of the whole on the resolution submitted by him, proposing to add another section to the general provisions to prevent the passage of a law to borrow money upon the faith or credit of the State, or the faith of the State being pledged for the payment of any debt or redemption of any loan upon any pretence whatever, without the concurrence of two-thirds of each branch of the Legislature.

The question was then taken on the motion made by Mr. Farish for a call of the House, And decided in the affirmative.

The Secretary then proceeded to call the roll, when the following members answered to their names:

Messrs. Austin, Bacot, Black, Brandon, Cain, Dickson, Duncan, Falconer, Farish, Floyd, Freeland, Granberry, Grayson, Greenleaf, Hicks, Higgason, Howard, Hurst, Jefferson, Jones of Jones, Jones, of Pike, Keegan, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, Morris, McRae, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Seamon, Stewart, Scott, Trotter, Williams, Williamson, Wright.

The absent members were, on motion of Mr. Quitman, sent for, and they appeared in the Hall of the House, and took their seats.

The question was then taken on agreeing to the report of the committee of the whole on said resolution,

And decided in the negative.

YEAS, 19—NAYS, 27.

The yeas and nays being demanded by two of the members present.

Those who voted in the affirmative are—

Messrs. Bacot, Black, Brandon, Duncan, Falconer, Farish, Freeland, Grayson, Howard, Jefferson, Johnson, Jones of Jones, Lowe, McMillan, Morris, McRae, Quitman, Seamon, Williams—19.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Cain, Dickson, Floyd, Granberry, Greenleaf, Hicks, Higgason, Hurst, Jones of Pike, Keegan, Kennedy Knox, Lynch, Magee, McLaughlin, Pendleton, Pope, Redd, Rose, Runnels, Stewart, Scott, Trotter, Williamson, Wright—27.

It was then ordered, on motion of Mr. Greenleaf, that the report of the committee of the whole on said resolution be indefinitely postponed.

Mr. Quitman submitted the following resolutions:

1st. Resolved, That no law should ever be passed to borrow money upon the credit of the State, or to pledge the faith of the State for any loan, or for the redemption of any loan for the purposes of internal improvement, without the concurrence of two-thirds of each branch of the Legislature.

2nd. Resolved, That no law should ever be passed to borrow money upon the faith and credit of the State, or to pledge the faith of the State for the redemption of any loan for banking purposes, without the concurrence of two-thirds of each branch of the Legislature.

Mr. Pendleton moved the indefinite postponement of the first of the said resolutions.

And the question being taken thereon,

It was decided in the affirmative

YEAS, 26—NAYS, 18.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (president) Austin, Cain, Floyd, Granberry, Greenleaf, Hicks, Higgason, Howard, Hurst, Jones of Pike, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, Pendleton, Redd, Rose, Runnels, Stewart, Scott, Trotter, Williamson, Wright—26.

Those who voted in the negative are—

Messrs. Bacot, Black, Brandon, Falconer, Farish, Freeland, Grayson, Jefferson, Johnson, Jones of Jones, Keegan, McMillan, Morris, McRae, Pope, Quitman, Seamon, Williams—18.

It was then moved by Mr. Stewart that the second of the said resolutions be indefinitely postponed.

And the question being taken thereon,

It was decided in the negative.

YEAS 22—NAYS 23.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (president) Austin, Cain, Floyd, Granberry, Greenleaf, Hicks, Higgason, Hurst, Johnson, Jones, of Pike, Keegan, Kennedy, Lynch, Pendleton, Pope, Rose, Runnels, Stewart, Scott, Trotter, Williamson—22.

Those who voted in the negative are—

Messrs. Bacot, Black, Brandon, Duncan, Falconer, Farish, Freeland, Grayson, Howard, Jefferson, Jones of Jones, Knox, Lowe, Magee, McLaughlin, McMillan, Morris, McRae, Quitman, Redd, Seamon, Williams, Wright—23.

The question then recurred on the adoption of said resolution;

When it was moved, by Mr. Keegan, that there be a call of the House.

And the question being put, shall there be a call of the House?

It passed in the affirmative.

The Secretary then proceeded to call the roll:

When the following members answered to their names, from their seats, viz:

Messrs. Austin, Bacot, Black, Brandon, Cain, Duncan, Falconer, Farish, Floyd, Freeland, Granberry, Grayson, Greenleaf, Hicks, Higgason, Howard, Hurst, Jefferson, Johnson, Jones, of Jones, Jones, of Pike, Keegan, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, Morris, McRae, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Seamon, Stewart, Scott, Trotter, Williams, Williamson, Wright—44.

The absent members were then sent for; when they appeared, and took their seats in the Hall.

It was then moved, by Mr. Greenleaf, that the House adjourn.

And the question being taken thereon,

It was decided in the negative.

It was moved then, by Mr. Williamson, that the House adjourn 'til 9 o'clock, A. M. to-morrow.

And the question being put,

It was resolved in the negative.

Mr. Stewart then moved that the House adjourn 'til 8 o'clock, A. M. to-morrow.

And the question being taken thereon,

It was decided in the negative.

The question was then taken on the adoption of the resolution,

And decided in the negative.

YEAS 20—NAYS 26.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Black, Brandon, Duncan, Falconer, Farish, Freeland, Grayson, Howard, Jefferson, Jones, of Jones, Knox, Lowe, McLaughlin, McMillan, Morris, McRae, Quitman, Seamon, Williams, Wright—20.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Bacot, Cain, Dickson, Floyd, Granberry, Greenleaf, Hicks, Higgason, Hurst, Johnson, Jones, of Pike, Keegan, Kennedy, Lynch, Magee, Pendleton, Pope, Redd, Rose, Runnels, Stewart, Scott, Trotter, Williamson—26.

So the resolution was lost.

It was then moved, by Mr. Knox, that the House adjourn 'til 9 o'clock, to-morrow.

And the question being taken thereon,

It passed in the affirmative.

YEAS 24—NAYS 20.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (president) Black, Dickson, Falconer, Grayson, Greenleaf, Higgason. Howard, Hurst, Jones, of Jones, Jones, of Pike, Keegan, Knox, Lowe, Lynch, Magee, Morris, McRae, Pope, Quitman, Redd, Runnels, Seamon, Williamson—24.

Those who voted in the negative are—

Messrs. Austin, Bacot, Brandon, Cain, Duncan, Farish, Floyd, Freeland, Granberry, Hicks, Jefferson, Johnson, Kennedy, McMillan, Pendleton, Stewart, Scott, Trotter, Williams, Wright.—20.

So the motion to adjourn prevailed.

And then the House adjourned.

Wednesday, September 26, 1832.

The Convention met pursuant to adjournment—

When the following resolution was submitted by Mr. Quitman:

Resolved, That the following section be added to the General Provisions of the Constitution of this State:

"No law shall ever be passed to raise a loan of money upon the credit of the State, or to pledge the faith of the State for the payment or redemption of any loan or debt, unless such law be proposed in the Senate or House of Representatives, and be agreed to by a majority of the members of each House, and entered on their journals, with the yeas and nays taken thereon; and be referred to the next succeeding Legislature, and published for three months previous to the next regular election, in three newspapers of the State; And unless a majority of each branch of the Legislature so elected after such publication shall agree to, and pass such l w; and in such case, the yeas and nays shall be taken and entered on the journals of each House.

Mr. Farish moved to amend said resolution as follows:

Which was accepted by Mr. Quitman.

"Provided, however, that this section shall not be so construed as to prevent the Legislature from carrying into effect the provisions of the present charter of the Planters' Bank."

Mr. Pendleton moved the indefinite postponement of said resolution.

Mr. Runnels moved, that the said resolution lie on the table—

And the question being taken thereon,

It was decided in the affirmative.

Mr. Hicks submitted the following resolution:

Resolved, That the Governor, Secretary of State, Treasurer and Auditor of Public Accounts shall reside at the Seat of Government.

On motion of Mr. Hurst,

It was ordered that the said resolution lie on the table.

Mr. Runnels submitted the following resolution:

Resolved, That a select committee, to consist of seven members, be appointed to prepare and report a plan to this Convention, on the subject of the establishment of Banks in this State.

Mr. Stewart moved the indefinite postponement of said resolution.

Mr. Runnels moved that it lie on the table.

And the question being put,

It was decided in the negative.

The question then recurred on the motion made by Mr. Stewart, to postpone said resolution indefinitely—

When a discussion arose,

And the previous question was called for, by Mr. Johnson, and being demanded by one-third of the members present—

The said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The main question was then put, viz:

Shall the resolution be indefinitely postponed?

And passed in the affirmative.

Mr. Wright proposed the following resolution, which was adopted:

Resolved, That J. W. Sumner, the editor of the Constitutional Flag, a newspaper printed at the town of Clinton, in this State, be permitted to occupy a seat within the bar of this House for the purpose of taking abstracts of the debates and proceedings of this Convention for publication.

Mr. Runnels submitted the following resolution:

Resolved, That the 10th section of the 3rd article of the Constitution of this State be so amended as to read as follows:

The whole number of Senators shall at the several periods of making the enumeration before mentioned, be fixed by the Legislature and apportioned among the several districts established by law, according to the number of free white inhabitants in each; and shall never be less than one fourth, nor more than one third of the whole number of Representatives.

On motion of Mr. Runnels,

It was ordered that said resolution lie on the table.

On motion of Mr. Falconer,

The Convention resumed in committee of the whole the consideration of the report of the select committee on the Executive Department of the Constitution, Mr. Grayson *again* in the chair;

When the 20th of the said resolutions was read, and the following amendment proposed thereto, by Mr Scott:

Insert after the word "Accounts," the following, viz: "And an Assistant Auditor, whenever the Legislature shall deem an Assistant Auditor necessary."

And the question being put,

It was decided in the negative.

Mr. Keegan moved to amend the said resolution as follows.

Strike out the words "by a joint vote of both Houses of the Legislature" and insert "by the qualified electors of the State."

Mr. Kennedy proposed to amend said amendment as follows, which was accepted by Mr. Keegan:

Insert after the word "the," the word "whole."

The question then recurred on the amendment as amended,

When a discussion arose, and

The previous question was called for, by Mr. Duncan, and being demanded by one-third of the members present—

The said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The main question was then put, viz:

Shall the said amendment be adopted?

And was decided in the negative.

YEAS 15—NAYS 28.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (president) Bacot, Black, Brandon, Duncan, Falconer, Higgason, Howard, Jones of Pike, Kennedy, Lynch, Morris, McRae, Seamon, Trotter—15.

Those who voted in the negative are—

Messrs. Austin, Cain, Dickson, Farish, Floyd, Freeland, Granberry, Grayson, Hicks, Hurst, Jefferson, Johnson, Jones of Jones, Knox, Lowe, Magee, McLaughlin, McMillan, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Stewart, Scott, Williams, Wright—28.

Mr. Falconer moved, to amend the 12th resolution of the said report as follows:

Strike out after the word "Resolved," and insert the words following, to wit:

"That the present Seal of this State shall be the Seal of the State, which shall be kept by the Secretary of State, and used by him officially, and all official acts of the Governor, (except his approbation of the laws) shall be thereby authenticated."

And the question thereon being taken,

It was decided in the negative.

Mr. Williams moved, that the 14th resolution of the said report be stricken out.

And the question being put,

It passed in the affirmative.

YEAS 23—NAYS 17.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Black, Brandon, Duncan, Falconer, Farish, Freeland, Grayson, Howard, Hurst, Jefferson, Johnson, Jones of Jones, Knox, Lowe, Magee, Morris, Pendleton, Pope, Quitman, Redd, Runnels, Seamon, Williams—23.

Those who voted in the negative are—

Messrs. Pray, [president] Cain, Dickson, Floyd, Granberry, Hicks, Higgason, Jones of Pike, Kennedy, Lynch, McLaughlin, McMillan, Rose, Stewart, Scott, Trotter, Wright—17.

Mr. Wright moved to amend the 20th resolution of the report of said committee as follows:

Strike out from the word "be" in the first line to the word "who" in the second line, and insert "appointed to office by being nominated by the Governor, by and with the advice and consent of the Senate."

When a debate arose—and the previous question was called for by Mr. Trotter, and being demanded by one-third of the members present, the said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The main question was then put, viz:

Shall the said amendment be adopted?

And was decided in the negative.

YEAS 7—NAYS 34.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Brandon, Duncan, Freeland, Grayson, Quitman, Williams, Wright—7.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Bacot, Black, Cain, Dickson, Falconer, Farish, Floyd, Granberry, Hicks, Higgason, Howard, Hurst, Jefferson, Johnson, Jones of Jones, Jones of Pike, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, McRae, Pendleton, Pope, Rose, Runnels, Seamon, Stewart, Scott, Trotter—34.

Mr. Black moved to amend the first resolution of the said report, as follows:

Strike out the word "two" and insert the word "four"—at the end of the sentence insert "and who shall be ineligible for the next four years."

A division of the question being called for, it was taken first on the proposition to strike out,

And decided in the negative.

Mr. Quitman moved to amend the said resolution as follows:

Strike out the word "Supreme" in the first line, and insert the word "chief."

And the question being taken thereon,

It was decided in the affirmative.

The committee then, on motion of Mr. Farish rose, and the President resumed the chair; when Mr. Grayson reported that the committee of the whole had had the report of the select committee on the Executive department of the Constitution under consideration, had made sundry amendments thereto, and had instructed him to report the same as amended.

On motion of Mr. Johnson,

Ordered that said report be received.

On motion of Mr. Hurst,

Ordered that said report lie on the table.

Then the Convention adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment,

When the following resolution was submitted by Mr. Grayson—

Which was ordered to lie on the table.

Resolved, That the power of the Legislature to impose taxes, ought to be so limited as to prohibit the imposition on property either real or personal of any other than an *ad valorem* tax, and that in apportioning this tax either for State or County purposes, all the visible property of each individual in the community ought to be valued and taxed in proportion to its value: *Provided*, the Legislature shall have the power to levy any tax for the purpose of checking or restraining *malpractices* or occupations deemed inconsistent with the welfare and tranquillity of the State.

Mr. Johnson called for the consideration of the report of the select committee on the Judicial department of the Constitution; which call being sustained by the Convention—

He thereupon moved that the Convention, forthwith, resolve itself into a committee of the whole on said report.

Mr. Quitman moved that said report lie on the table.

And the question being taken thereon,

It was decided in the negative.

The question was then taken, on the motion made by Mr. Johnson, that the Convention go into committee of the whole on said report,

And was decided in the affirmative.

The Convention then went into committee of the whole on the said report—Mr. Morris in the chair;

When the first of the said resolutions reported by the committee was read, and the following amendment proposed thereto by Mr. Hurst:

Strike out from the word "one" in the second line to the word "high" in the third line.

And the question being taken on said amendment,

It passed in the affirmative.

The second of the said resolutions was then read, and the following amendment proposed thereto by Mr. Howard:

Strike out all after the word "Judges."

On this amendment a considerable debate arose, when it was moved by Mr. Black, that the committee rise, report progress, and ask leave to sit again.

And the question being taken thereon,

It passed in the affirmative.

The committee then rose, and the President resumed the chair,

When Mr. Morris reported that the committee of the whole had had under consideration the report of the select committee on the Judicial department of the Constitution, and had made some progress therein, but not having sufficient time to go through the whole of the business, had instructed him to report progress and ask leave to sit again.

On motion of Mr. Morris,

Ordered that said report be received and agreed to.

Mr. Black submitted the following resolution:

Resolved, That the following be adopted as an additional rule:

Rule.—It shall be in order in committee of the whole to demand a call of the House, and the chairman, by order of the committee, shall have power to send the Sergeant-at-Arms to bring in absent members.

The following resolution was submitted by Mr. Bacot:

Resolved, That in future, on any motion made to adjourn at the usual time of adjournment, to or near the hour usually adjourned to, the yeas and nays shall not be taken thereon.

Mr. Grayson moved that the Convention adjourn until nine o'clock, A. M. to-morrow.

And the question being taken thereon,

It passed in the affirmative.

Yeas 20—Nays 19.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (president) Bacot, Black, Falconer, Grayson, Higgason, Howard, Hurst, Jones of Jones, Knox, Lowe, Magee, Morris, McRae, Pope, Redd, Runnels, Seamon, Scott, Williams—20.

Those who voted in the negative are—

Messrs. Austin, Brandon, Cain, Duncan, Farish, Floyd, Freeland, Granberry, Hicks, Jefferson, Johnson, Kennedy, McLaughlin, McMillan, Pendleton, Rose, Stewart, Trotter, Wright—19.

So the motion to adjourn prevailed,

And then the Convention adjourned.

Thursday, September 27, 1832.

The Convention met pursuant to adjournment,—

When the resolution proposing the adoption of an additional rule of the House to demand, in committee of the whole, a call of the House, and send for absent members, being in order,

Was read the second time and adopted.

The resolution excluding a call for the yeas and nays on a motion to adjourn at the usual time of adjournment, was next in order.

Mr. Stewart moved the indefinite postponement of said resolution:

But the motion did not prevail.

It was then moved by Mr. Stewart that said resolution lie on the table.

And the question being put,

It was decided in the negative.

The question was then taken on the adoption of said resolution,

And passed in the affirmative.

The President laid before the Convention the following written communication from the Secretary of State—

Which was read, and ordered to lie on the table.

SECRETARY OF STATE'S OFFICE,
JACKSON, SEPT. 25, 1832.

To the Hon. P. R. R. Pray,
President of the Convention.

Sir,—In conformity to a resolution adopted by the Convention, on the 23d inst. I have the honor to hand you herewith, to be laid before the Convention, a tabular statement of the votes given for Governor in the year 1831, and also of those for representatives in Congress at the last August election.

In the sixth column will be found the aggregate produced by adding the votes of the several candidates together.

The seventh exhibits the result arising from a division of that aggregate by two, the number of Representatives elected; and the eighth column contains the vote for Governor in August, 1831.

I am, very respectfully, your obedient servant.

JOHN A. GRIMBALL, *Secretary of State.*

COUNTIES.	PLUMMER.	CAGE.	GUION.	WALKER.	BOULDEN.	Aggregate votes for candidates for Congress, 1832.	Votes of each co. as near as can be ascertained.	Votes of each co. for Governor, in Aug. 1831.
Adams,	103	473	551	13	6	1146	573	680
Amite,	439	356	268	221	3	1286	643	687
Claiborne,	203	523	421	38	101	1286	643	663
Copiah,	769	299	335	295	17	1715	858	856
Covington,	261	259	22	68	1	601	306	323
Franklin,	230	195	191	164	17	797	399	331
Green,	180	193	9	10	4	396	198	125
Hancock,	128	134	5	1	0	268	134	92
Hinds,	813	592	442	425	115	2387	1194	1119
Jackson,	140	47	2	3	0	192	96	182
Jefferson,	133	289	190	78	252	942	471	610
*Jones,	—	—	—	—	—	—	—	176
Lawrence,	579	523	18	9	15	1144	572	673
Lowndes,	205	367	61	76	63	772	386	408
Madison,	355	383	195	116	90	1139	569	523
Marion,	220	290	29	29	2	570	285	316
Monroe,	231	481	90	29	236	1067	534	480
Perry,	213	179	28	2	0	422	211	238
Pike,	532	384	26	220	3	1129	565	560
Rankin,	328	214	102	63	0	707	354	354
Simpson,	315	179	22	63	0	579	289	386
Warren,	292	187	592	36	29	1136	568	751
Wilkinson,	422	365	429	60	13	1289	644	730
Washington,	97	22	141	1	59	320	160	173
Wayne,	165	163	60	3	0	391	196	244
Yazoo,	475	691	297	220	197	1880	940	823
							11778	12502
								11778
Majority in favor of the election in 1831,								724

Correctly taken from the original returns made to my office.

JOHN A. GRIMBALL, *Secretary of State.*

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* No returns have been received from Jones county of the vote of the last election.

Mr. Howard moved the adoption of the following resolution:

Resolved, That copies of the communication received on this day from the Secretary of State, together with the tabular statement thereunto annexed, be printed for the use of the members of this Convention.

Mr. Kennedy moved to fill the blank in said resolution with the word "fifty."

Mr. Magee moved that it be filled with the words "one hundred."

And the question being put,

It passed in the affirmative.

The question then recurred on the adoption of said resolution,

And was resolved in the affirmative.

Mr. Dickson submitted the following resolution, which was *unanimously adopted.*

Whereas it hath pleased the Almighty to remove from this life David Holmes, the President of the Convention that formed the present Constitution, and late Governor of the State of Mississippi, after a long life of honor to himself and usefulness to his country—

Therefore, be it resolved by this Convention, unanimously, that in consideration of the high regard entertained for the memory of the deceased, the members thereof will wear crape on the left arm for the remainder of the session.

On motion of Mr. Hurst,

The Convention resumed, in committee of the whole, the consideration of the report of the select committee on the Judicial Department of the Constitution; Mr. Morris *again* in the Chair—

And the question recurring on Mr. Howard's amendment to the second resolution of said report, proposing to strike out all after the word "judges."

Mr. Wright moved that there be a call of the House.

And the question being put,

It passed in the affirmative.

The roll of the members was then called by the Secretary,

When the following named members answered to their names:

Messrs. Austin, Bacot, Black, Brandon, Cain, Dickson, Duncan, Falconer, Farish, Floyd, Freeland, Granberry, Grayson, Hicks, Higgason, Howard, Hurst, Jefferson, Johnson, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, Morris, McRae, Pendleton, Pope, Quitman, Rose, Runnels, Seamon, Stewart, Scott, Trotter, Williams, Wright—39.

On motion of Mr. Quitman,

It was ordered that further action on the said call be suspended.

It was then moved by Mr. Quitman that the farther consideration of the amendment proposed by Mr. Howard be postponed until to-morrow.

And the question being put,

It passed in the affirmative.

The committee then, on motion of Mr. Black, rose, and the President resumed the Chair; when

Mr. Morris reported, that the committee of the whole had had the report of the select committee to whom was referred the Judicial Department of the Constitution under consideration, had made some progress therein, but not having time to go through the whole of the business, had instructed him to report progress, and ask leave to sit again.

On motion of Mr. Morris,

Ordered that said report be received and agreed to.

Mr. Magee moved that the farther consideration of said report be postponed until to-morrow.

Mr. Hurst moved that said report lie on the table.

And the question being taken thereon,

It passed in the affirmative.

Mr. Duncan called for the consideration of the report of the select committee to whom was referred the General Provisions of the Constitution—

And the question being taken thereon,

It was decided in the negative.

On motion of Mr. Magee,

The Convention proceeded, in committee of the whole, to the consideration of the report of the select committee on the Bill of Rights;

Mr. Trotter in the Chair.

The first resolution of said report being read,

Mr. Black moved the following as an amendment thereto:

Strike out the words "suffrage or," in the first line, and insert after the words "to office," the words "or for the right of suffrage."

And the question being put,

It passed in the affirmative.

The second resolution of said report being read,

Mr. Grayson proposed the following as an amendment thereto:

Strike out all after the word "Resolved,"

And the question being taken thereon,

It was decided in the affirmative.

Mr. Black moved, to amend the third resolution of said report as follows:

Strike out all after the word "Resolved," and insert "no office shall be held during good behavior, or for life; but for some limited period of time, subject to removal for misconduct."

A division of the question being called for—

It was taken on the first proposition to strike out,

And passed in the affirmative.

The question recurring on the second proposition of said amendment,

It was moved, by Mr. Pendleton, to amend the same, so as to make it read as follows:

"That no office shall be held for life."

The chairman decided said amendment out of order.

Mr. Falconer proposed, to amend the amendment offered by Mr. Black as follows:

Add, after the word "misconduct," Provided, that nothing herein contained shall be so construed as to extend to the military officers of this State."

Mr. Dickson proposed an amendmen thereto, as follows:

Which was acceded to, by Mr. Falconer:

Strike out "military," and insert "militia."

The question being taken on Mr. Falconer's amendment as amended

It was decided in the negative.

It was then moved, by Mr. Stewart, to amend Mr. Black's amendment as follows:

Strike out all after the word "held," in the second line, and insert "for a longer period than six years."

And the question being taken thereon,

It was decided in the negative.

The question was then taken on the amendment proposed by Mr. Black,

And passed in the affirmative.

The committee then, on motion of Mr. Dickson rose, and the President resumed the chair; when Mr. Trotter reported that the committee of the whole had had the report of the select committee on the Bill of Rights under consideration, and had made sundry amendments thereto; but not having sufficient time to go through the whole of the business, had instructed him to report progress, and ask leave to sit again,

On motion of Mr. Trotter,

Ordered that said report be received and agreed to.

On motion of Mr. Hurst,

Ordered that said report lie on the table.

Then the Convention adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment—

And on motion of Mr. Farish,

Resumed, in committee of the whole, the consideration of the report of the select committee on the Bill of Rights, Mr. Trotter again in the chair.

The fourth resolution of the said report being read, the following amendment thereto, was proposed by Mr. Farish:

Strike out all after the word "Resolved—"

And the question being put,

It passed in the affirmative.

It was then moved, by Mr. Grayson, to amend the fifth resolution of said report as follows:

Strike out all after the word "Resolved,"

And the question being taken thereon,

It was decided in the affirmative.

The sixth of said resolutions was read, when the following amendment thereto was proposed by Mr. Farish:

Strike out all after the word "Resolved—"

And the question being put,

It passed in the affirmative.

The seventh of said resolutions was read, when it was moved, by Mr. Farish, that the same be amended as follows:

Strike out all after the word "Resolved—"

And the question being taken thereon,

It was decided in the affirmative.

Mr. Farish moved a reconsideration of the vote taken on the amendment to the first resolution of the report of the select committee on the Bill of Rights—

And the question being taken thereon,

It was decided in the negative.

The committee then, on motion of Mr. Hurst rose, and the President resumed the chair, when Mr. Trotter reported that the committee of the whole had had the report of the select committee on the Bill of Rights under consideration, had made sundry amendments thereto, and had instructed him to report the same as amended.

Mr. Trotter moved that said report be received and agreed to.

A division of the question being called for, it was first taken on receiving—and passed in the affirmative.

It was then moved, by Mr. Johnson, that said report lie on the table.

And the question being taken thereon,

It was resolved in the negative.

The question then recurred on agreeing to said report, and was decided in the affirmative.

Mr. Hurst moved that the Convention proceed to the consideration of the Bill of Rights, with the amendments thereto, together with the report of the select committee on the Bill of Rights.

Mr. Dickson moved that the farther consideration of the same be postponed until to-morrow,—

And the question being taken thereon,

It passed in the affirmative.

On motion of Mr. Quitman,

The Convention proceeded to the consideration of the resolution proposed by him, restricting the passage of a law to raise a loan of money upon the credit of the State.

Mr Stewart moved the indefinite postponement of said resolution,

And the question being taken thereon,

It was decided in the negative.

YEAS 15—NAYS 26.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (president) Cain, Dickson, Duncan, Granberry, Hicks, Higgason, Howard, Johnson, Kennedy, Pope, Rose, Scott, Stewart, Trotter—15.

Those who voted in the negative are—

Messrs. Austin, Bacot, Black, Brandon, Falconer, Farish, Floyd, Freeland, Grayson, Jefferson, Jones of Jones, Jones of Pike, Knox, Lowe, Magee, McLaughlin, McMillan, Morris, McRae, Pendleton, Quitman, Redd, Runnels, Seamon, Williams, Wright—26.

Mr. Runnels moved that said resolution lie on the table.

And the question being taken thereon,

It was decided in the negative.

The question was then taken on the adoption of said resolution;

And passed in the affirmative.

YEAS 26—NAYS 16.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Austin, Bacot, Black, Brandon, Falconer, Farish, Floyd, Freeland, Grayson, Hurst, Jefferson, Jones of Jones, Jones of Pike, Knox, Lowe, Magee, McLaughlin, McMillan, Morris, McRae, Quitman, Redd, Runnels, Seamon, Williams, Wright—26.

Those who voted in the negative are—

Messrs. Pray, (president) Cain, Dickson, Duncan, Granberry, Hicks, Higgason, Howard, Johnson, Kennedy, Pendleton, Pope, Rose, Scott, Stewart, Trotter—16.

Mr Bacot moved the adoption of the following resolution:

Resolved, That the following section be added to the General Provisions of the Constitution of this State.

"That when leave of absence be granted by the Legislature to any salary officer of this State, the salary of said officer shall not run during the period of his absence."

Mr. Wright moved that there be a call of the House.

And the question being taken thereon,

It was decided in the negative.

Mr. Williams moved that said resolution lie on the table.

And the question being put,

It passed in the affirmative.

The Convention then, on motion of Mr. Trotter, proceeded in committee of the whole, to the consideration of the report of the select committee on the General Provisions of the Constitution;

Mr. Farish in the chair.

The first resolution of said report being read, Mr. Trotter moved to amend the same as follows:

Amend by striking out the "first resolution."

The committee then, on motion of Mr. Trotter, rose, and the President resumed the chair;

When Mr. Farish reported that the committee of the whole had had the report of the select committee on the General Provisions of the Constitution under consideration, and had made some progress therein; but not having sufficient time to go through with the whole of the business, had instructed him to report progress, and ask leave to sit again.

On motion of Mr. Farish,

Ordered that said report be received and agreed to.

And then the Convention adjourned until to-morrow at half past eight o'clock.

Friday, September 28, 1832.

The Convention met pursuant to adjournment.

On motion of Mr. Hicks,

The Convention proceeded to the consideration of the resolution requiring the Governor, Secretary of State, Auditor of Public Accounts, and State Treasurer, to reside at the Seat of Government.

Mr. Farish moved that said resolution lie on the table.

And the question being taken thereon,

It was decided in the negative.

Mr. Dickson moved that said resolution be committed to a committee of the whole House, and made the order of the day for to-morrow.

Mr. Morris moved that said resolution be committed to a committee of the whole House, and made the order of the day for Monday next.

And the question being taken thereon,

It passed in the affirmative.

On motion of Mr. Freeland,

The Convention proceeded to the consideration of the Bill of Rights, with the amendments made thereto in committee of the whole; together with the report of the select committee on the Bill of Rights, with the amendments made thereto in committee of the whole.

The amendment to the 9th section of the Bill of Rights,

Was read and adopted.

The amendment to the 10th section being read—

The following amendment thereto was proposed by Mr. Runnels:

Strike out the words "where the offence was committed."

And the question being taken thereon,

It was decided in the negative.

The question was then taken on the amendment made to the said 10th section in committee of the whole,

And passed in the affirmative.

The amendments to the 13th, 19th and 20th sections,

Were read and adopted.

The amendment to the 27th section being read—

The following amendment thereto was moved by Mr. Wright:

Strike out after the word "except" and insert "for crimes committed to be provided for by law."

And the question being taken thereon,

It was decided in the negative.

Mr. Jefferson moved to amend the amendment to the said 27th section as follows:

Strike out all the amendment, and insert "No free white citizen of this State shall be exiled, or prevented from emigrating, unless by writs of bail or *ne exiat* in civil cases, issued in due course of law."

The President decided that this amendment was not in order.

Mr. Black moved to amend the amendment to the said 27th section, as follows:

Insert after the word "any" "free white citizen to be exiled, transported or banished from the State, unless on conviction of some crime where exile, transportation or banishment is prescribed by law as a punishment,

And the question being taken thereon,

It was decided in the negative.

Mr. Wright moved to amend the amendment to the said section as follows:

Which was acceded to by Mr. Grayson.

Strike out the words "exiled or transported."

Mr. Keegan moved to amend the amendment as follows:

Strike out all after the word "prohibited."

And the question being put,

It passed in the affirmative.

The question was then taken on the said amendment as amended:

And decided in the affirmative.

The amendment to the 8th section of the Bill of Rights—

Was read and adopted.

The 5th section of the Bill of Rights being read—

Mr. Jefferson moved the following amendment thereto:

Strike out all after the word "opinions" where it last occurs.

And the question being taken thereon,

It was decided in the negative.

Mr. Farish moved to amend the 16th section of the said Bill of Rights, by adding thereto at the end of said section the words following, to wit:

"And all penalties and punishments shall be proportioned to the offence."

And the question being taken thereon,

It was decided in the negative.

The 24th section being read—

Mr. Quitman proposed the following amendment thereto:

After the word "in" and before the word "strict," strike out the letter "a."

And the question being taken thereon,

It was decided in the affirmative.

Mr. Quitman moved to amend the 28th section of the said Bill of Rights as follows:

Strike out the whole of the section, and insert—

"In causes at law, where the amount in controversy exceeds twenty dollars, the right of trial by jury shall be preserved."

And the question being taken thereon,

It was decided in the negative.

The report of the select committee on the Bill of Rights, as amended in committee of the whole, being considered—

The first resolution of said report was adopted.

Mr. Howard moved to amend the third resolution of said report, as follows:

Strike out all after the word "resolved" and insert:

"No person shall ever be appointed or elected to any office in this State for life or during good behaviour, but the tenure of all offices shall be for some limited period of time, if the person appointed or elected thereto shall so long behave well."

And the question being put,

It passed in the affirmative.

The question then recurred on the adoption of said resolution as amended, and passed in the affirmative.

Mr. Williams moved to amend the conclusion to the Bill of Rights, as follows:

Strike out the words "high powers herein delegated" and insert the words "rights herein reserved."

And the question being taken thereon,

It was decided in the negative.

Mr. Black moved to amend the conclusion to the Bill of Rights, as follows:

Insert the word "after," after the word "herein."

And the question being taken thereon,

It was decided in the negative.

Mr. Pendleton moved the following as an amendment to the conclusion of the Bill of Rights.

Strike out all before the word "we."

And the question being taken thereon,

It was decided in the negative.

On motion of Mr. Quitman,

The following resolution was adopted:

Resolved, That the Bill of Rights and the amendments thereto as adopted, be referred to a select committee, to be arranged and embodied in proper form, and so reported to the Convention.

And pursuant thereto, Messrs. Quitman, Howard, Grayson, Williams and Black were appointed.

Mr. Stewart called for the consideration of the report of the select committee, to whom was referred the Judicial Department of the Constitution;

which call being sustained by the Convention, Mr. Stewart moved that it forthwith resolve itself into a committee of the whole on said report—

And pending said motion,

The Convention adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment—

When the following resolutions were submitted by Mr. Hurst, and ordered to lie on the table:

Resolved, That the sixth section, in the fifth article of the Constitution be stricken out.

Resolved, That equity jurisdiction be vested in the Circuit courts respectively, until otherwise directed by the Legislature.

Mr. Lowe submitted the following resolution, which was ordered to lie on the table:

Resolved, That the following provision should be inserted among the amendments to the Constitution:

Divorces from the bonds of matrimony should never be granted but for the causes of prior marriage, adultery, or wilful and obstinate desertion for the space of ten years.

Mr. Magee called for the consideration of the report of the select committee to whom was referred the General Provisions of the Constitution.

Which call being sustained by the Convention—

It was moved, by Mr. Magee, that the Convention forthwith, resolve itself into a committee of the whole on said report.

Mr. Quitman moved, that said report lie on the table.

And the question being taken thereon,

It was decided in the affirmative.

On motion of Mr. Quitman,

The Convention resumed, in committee of the whole, the consideration of the report of the select committee, to whom was referred so much of the Constitution as relates to the Judicial Department, Mr. Falconer in the Chair.

And the question recurring on the amendment proposed by Mr. Howard, to strike out all after the word "Judges," in the the 2nd resolution of said report—

A considerable discussion arose,

When the committee, on motion of Mr. Farish rose, and the President resumed the chair; when

Mr. Falconer reported that the committee of the whole had had the report of the select committee to whom was referred so much of the Constitution as relates to the Judicial Department under consideration, and had made some progress therein, but not having sufficient time to go through with the whole of the business, had instructed him to report progress, and ask leave to sit again.

On motion of Mr. Falconer,

Ordered that said report be received and agreed to.

Then the Convention adjourned till half past 8 o'clock, A. M.

Saturday, September 29, 1832.

The Convention met pursuant to adjournment—

And on motion of Mr. Kennedy,

Resumed in committee of the whole the consideration of the report of the select committee, to whom was referred so much of the Constitution, as relates to the Judicial Department;

Mr. Johnson in the chair.

The question *again* recurred, on the motion made by Mr. Howard, to amend the second resolution of the report of the select committee.

The debate continued, in which Mr. Grayson took part.

Mr. Grayson observed, that the gentleman from Yazoo well knew that the recent election in that county, had been governed by the Poindexter question.

Mr. Runnels called Mr. Grayson to order;

Whereupon the chairman of the committee decided that he was in order.

Mr. Grayson then continued the debate, and was followed by Mr. Quitman, who addressed the committee until being much exhausted, it was moved by the President, with a view as he stated to give Mr. Quitman time to close his argument, that the committee rise, report progress, and ask leave to sit again.

And the question being put,

It passed in the affirmative.

The committee then rose, and the President resumed the chair; when Mr. Johnson reported, that the committee of the whole had *again* had the report of the select committee to whom was referred so much of the Constitution as relates to the Judicial Department under consideration, and had made some progress therein; but not having time to go through the whole of the business, had instructed him to report progress and ask leave to sit again.

On motion of Mr. Johnson,

Ordered that said report be received and agreed to.

Then the House adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment— [illegible]

And, on motion of Mr. Duncan, resumed in committee of the whole the consideration of the report of the select committee, to whom was referred so much of the Constitution as relates to the Judicial Department;

Mr. Johnson again in the chair;

And the question again recurring on Mr. Howard's amendment, Mr. Quitman resumed his argument; and having terminated the same,

The committee, on motion of Mr. Morris, rose, and the President resumed the Chair; when

Mr. Johnson reported that the committee of the whole had again had the report of the select committee to whom was referred so much of the Constitution, as relates to the Judicial Department, under consideration, and had made some progress therein, but not having time to go through with the whole of the business, had instructed him to report progress and ask leave to sit again.

On motion of Mr. Johnson,

Ordered that said report be received and agreed to.

It was then moved by Mr. Morris, that the House adjourn 'till Monday morning 8 o'clock, A. M.

Mr. Magee moved that it adjourn 'till half past eight o'clock, A. M. on Monday.

Mr. Jones, of Pike, moved that it adjourn 'till Monday morning nine o'clock, A. M.

Mr. Stewart moved that it adjourn 'till the first Monday in January next.

And the question being taken thereon,

It was decided in the negative.

The question was then taken, on the motion made by Mr. Jones, of Pike, for 9 o'clock, A. M. on Monday;

And was decided in the negative.

It was next taken on Mr. Magee's motion for half past 8 o'clock,

And determined in the negative.

It was then taken on Mr. Morris's motion for eight o'clock;

And passed in the affirmative.

So the House adjourned 'till 8 o'clock, A. M. on Monday next.

Monday, October 1, 1832.

The Convention met pursuant to adjournment—

And, on motion of Mr. Johnson, resumed in committee of the whole the consideration of the report of the select committee, to whom was referred the Judicial Department of the Constitution;

Mr. Johnson *again* in the chair;

And the question recurring on the amendment submitted by Mr. Howard, proposing to strike out all after the word "Judges" in the second resolution of said report—

It was moved by Mr. Pray, (president) that there be a call of the House.

And the question being put,

It passed in the affirmative.

The roll of the members was then called by the Secretary, when it was found that the following named members answered to their names:

Messrs. Bacot, Black, Duncan, Falconer, Farish, Floyd, Freeland, Granberry, Grayson, Howard, Hurst, Johnson, Jones of Jones, Jones of Pike, Keegan, Lowe, Lynch, Magee, McLaughlin, McMillan, Morris, McNabb, Pendleton, Pope, Quitman, Redd, Rose, Seamon, Williams, Wright.

It was then, on motion of Mr. Pray, (president) ordered that further proceedings on the call be suspended.

The debate on the aforesaid amendment continued, in which Messrs. Farish, Pray (president), and Black took part, when the hour of twelve o'clock *meridian* arrived, and Mr. Black not having terminated his argument, Mr. Pray, (president) moved that the committee rise, report progress and ask leave to sit again.

And the question being put,

It passed in the affirmative.

The committee then rose, and the President resumed the chair; when Mr. Johnson reported that the committee of the whole had again had the report of the select committee, to whom was referred the Judicial Department of the Constitution under consideration, and had made some progress therein; but not having time to go through the whole of the business, had instructed him to report progress and ask leave to sit again.

On motion of Mr. Johnson,

Said report was received and agreed to.

Then the House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment—

And the resolution requiring the Governor, Secretary of State, Treasurer and Auditor of Public Accounts to reside at the seat of Government, being in order for a committee of the whole House—

It was ordered, on motion of Mr. Johnson,

That said resolution lie on the table.

The Convention then, on motion of Mr. Johnson, proceeded *again*, in committee of the whole to the consideration of the report of the select committee, to whom was referred the Judicial Department of the Constitution—Mr. Johnson again in the chair;

And the question still recurring on the amendment proposed [illegible] Mr. Howard, the debate continued, when [illegible] Black terminated his argument, and was followed by Mr. Knox, who addressed the committee at some length. Mr. Scott then continued the debate until about five o'clock, when the committee, on motion of Mr. Stewart, rose, and the Presiden resumed the chair;

When Mr. Johnson reported that the committee of the whole had again had the report of the select committee to whom was referred the Judicial department of the constitution under consideration, and had made some progress therein; but not having sufficient time to go through with the whole of the business, had instructed him to report progress and ask leave to sit again.

On motion of Mr. Johnson,

Ordered that said report be received and agreed to.

And then the House adjourned until 8 o'clock, A. M. to-morrow.

Tuesday, October 2, 1832.

The Convention met pursuant to adjournment—

When the following resolution was submitted by Mr. Trotter:

Resolved, That a select committee, to consist of one member from each senatorial district, be appointed to prepare and fix a bill of apportionment of Senators and Representatives in the Legislature.

Mr. Morris moved that said resolution lie on the table.

And the question being put,

It was determined in the negative.

YEAS 12—NAYS 21.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Bacot, Brandon, Freeland, Granberry, Jones of Jones, Keegan, Lynch, Morris, Pope, Seamon, Williams—12.

Those who voted in the negative are—

Messrs. Cain, Dickson, Duncan, Farish, Floyd, Hicks, Higgason, Howard, Hurst, Johnson, Lowe, Magee, McMillan, McNabb, Pendleton, Redd, Rose, Runnels, Scott, Trotter, Wright—21.

The question was then taken on the adoption of said resolution—

And passed in the affirmative.

The following resolution was submitted by Mr. Wright:

Resolved, That the ordinance appended to the Constitution be stricken out.

Mr. Hurst moved to amend said resolution as follows—which was acceded to by Mr. Wright:

Strike out the words "stricken out" and insert in lieu thereof the words "left out."

It was then moved by Mr. Wright that said resolution lie on the table.

And the question being taken thereon,

It passed in the affirmative;

YEAS, 25—NAYS, 17.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Black, Cain, Falconer, Farish, Floyd, Greenleaf, Hicks, Higgason, Howard, Jefferson, Johnson, Jones, of Jones, Lynch, Magee, McLaughlin, McNabb, McRae, Pendleton, Quitman, Redd, Rose, Runnels, Trotter, Williams, Wright—[illegible].

Those who voted in the negative are—

Messrs. Pray, (president) Bacot, Brandon, Dickson, Duncan, Freeland, Granberry, Grayson, Hurst, Keegan, Knox, Lowe, McMillan, Morris, Pope, Scott, Seamon—17.

The Convention, then, on motion of Mr. Johnson, proceeded *again* in committee of the whole, to the consideration of the report of the select committee to whom was referred so much of the Constitution as relates to the Judicial Department, Mr. Farish in the Chair;

And the question still recurring on the amendment proposed by Mr. Howard—

The debate was continued by Messrs. Scott, Williams, and Greenleaf, until the hour of 12 o'clock, meridian—

When a motion was made by Mr. Runnels, that the committee rise, report progress, and ask leave to sit again.

And the question being taken thereon,

It was decided in the negative.

It was then moved by Mr. Magee that there be a call of the House.

And the question being put,

It passed in the affirmative.

The roll of the members was then called by the Secretary;

When it was found that the following members answered to their names:

Messrs. Bacot, Black, Brandon, Cain, Dickson, Duncan, Falconer, Farish, Floyd, Freeland, Grayson, Greenleaf, Howard, Hurst, Jefferson, Johnson, Jones, of Pike, Knox, Lowe, Magee, McLaughlin, McMillan, Morris, McNabb, Pendleton, Pope, Quitman, Redd, Runnels, Scott, Stewart, Trotter, Williams, Wright.

The committee then, on motion of Mr. Magee, rose, and the President resumed the chair; when

Mr. Farish reported that the committee of the whole had *again* had the report of the select committee to whom was referred so much of the Constitution as relates to the Judicial department of the Constitution under consideration, and had made some progress therein, but not having time to go through the whole of the business, had instructed him to report progress, and ask leave to sit again.

On motion of Mr. Farish,

It was ordered that said report be received and agreed to.

It was then moved by Mr. Hurst that the Convention adjourn 'til 2 o'clock, P. M.

A motion was then made by Mr. Grayson that the Convention adjourn *sine die.*

It was then moved, by Mr. Magee, that there be a call of the House.

And the question being put,

It passed in the affirmative.

The roll of the members was then called by the Secretary:

When it was found that the following members answered to their names:

Messrs. Bacot, Black, Brandon, Cain, Dickson, Duncan, Falconer, Farish, Floyd, Freeland, Grayson, Greenleaf, Hicks, Higgason, Howard, Hurst, Jefferson, Johnson, Jones, of Jones, Jones, of Pike, Knox, Lowe, Magee, McLaughlin, McMillan, Morris, McNabb, McRae, Pendleton, Pope, Quitman, Redd, Runnels, Scott, Seamon, Stewart, Trotter, Williams, Wright.

It was then moved by Mr. Grayson, that he have leave to withdraw the said motion to adjourn *sine die.*

Whereupon,

It was stated by the President, that, according to the rules of the House, when a question has been stated by the President, or read by the Secretary, it is considered in possession of the House, and can only be withdrawn by consent of the House.

Mr. Black said that, according to his interpretation of the rules of the House, that when a motion was made it could be withdrawn at the request of the mover, with the consent of his second; and that if the President decided differently he would appeal from the decision of the Chair.

The President having stated that such was his decision—

Mr. Black took an appeal to the Convention.

And the question being put, shall the decision of the Chair stand as the decision of the Convention?

It was decided in the affirmative.

The question was then taken on the motion made by Mr. Grayson to withdraw the said motion to adjourn *sine die,*

And passed in the affirmative.

The question was then taken on Mr. Hurst's motion to adjourn 'till 2 o'clock, P. M.

And passed in the affirmative.

So the House adjourned 'till two o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment—

When it was ordered that Messrs. Kennedy, Austin and Knox be excused from attending on the House this day.

The Convention then, on motion of Mr. Stewart, proceeded *again,* in committee of the whole, to the consideration of the report of the select committee to whom was referred so much of the Constitution as relates to the Judicial Department of the Government, Mr. Greenleaf in the Chair.

And the question still recurring on the amendment proposed by Mr. Howard:

The debate was continued by Mr. Redd, who addressed the Convention at some length;

When it was moved by Mr. Stewart that there be a call of the House.

And the question being put,

It passed in the affirmative.

The roll of the members was then called by the Secretary:

When it was found that the following members answered to their names:

Messrs. Austin, Black, Cain, Falconer, Floyd, Freeland, Granberry, Greenleaf, Howard, Hurst, Jefferson, Johnson, Keegan, Lowe, McMillan, Morris, McNabb, Quitman, Rose, Runnels, Scott, Stewart, Trotter, Williams, Wright.

It was then moved, by Mr. Hurst, that the absent members be sent for.

And the question being put,

It passed in the affirmative.

The Sergeant-at-Arms was then ordered by the Chairman of the committee to notify the absent members that the Convention is now waiting for them.

It was then moved, by Mr. Johnson, that further action on said call be suspended; and,

Thereupon,

The Chairman pronounced said motion out of order.

Mr. Morris then rose to address the committee, when he was called to order by Mr. Wright.

The Chairman decided that Mr. Morris was not in order.

From this decision of the chair, Mr. Stewart appealed to the committee,

And the question being put,

Shall the decision of the chair stand as the decision of the committee?

It was decided in the negative.

It was then moved, by Mr. Morris, that the committee rise, report progress and ask leave to sit again—

And the question being put,

It was decided in the negative.

A motion was then made, by Mr. Quitman, that the order to send after absent members be suspended.

The Chairman of the committee having decided that this motion was out of order—

It was moved, by Mr. Pray, (president,) that the committee do reconsider the vote taken on the motion to send for the absent members;

And the question being put,

It passed in the affirmative.

The question then recurring on the motion made by Mr. Hurst to send after the absent members; and being taken—

It was determined in the negative.

The question then recurred on the amendment submitted by Mr. Howard,

When the debate was continued at some length, by Messrs. Wright and Bacot.

It was then moved, by Mr. Black, that there be a call of the House;

And the question being put,

It passed in the affirmative.

The roll of the members was then called by the Secretary, when it was found that the following members answered to their names:

Messrs. Austin, Bacot, Black, Brandon, Cain, Dickson, Duncan, Falconer, Farish, Floyd, Freeland, Granberry, Grayson, Greenleaf, Hicks, Higgason, Howard, Hurst, Jefferson, Johnson, Jones of Jones, Jones of Pike, Keegan, Lowe, Lynch, Magee, McLaughlin, McMillan, McNabb, McRae, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Scott, Seamon, Stewart, Trotter, Williams, Williamson, Wright.

The question still recurring on the amendment proposed by Mr. Howard.

The discussion was continued at some length, by Messes. Quitman and Bacot,

When it was moved by Mr. Runnels that there be a call of the House.

And the question being put,

It passed in the affirmative.

The roll of the members was then called by the Secretary, when it was found that the following members answered to their names:

Messrs. Austin, Bacot, Black, Brandon, Cain, Dickson, Duncan, Falconer, Farish, Freeland, Floyd, Granberry, Grayson, Greenleaf, Hicks, Higgason, Howard, Hurst, Jefferson, Johnson, Jones of Jones, Jones, of Pike, Lowe, Lynch, Magee, McLaughlin, McMillan, Morris, McNabb, McRae, Pendleton, Pope, Quitman, Redd, Runnels, Scott, Seamon, Stewart, Trotter, Williams, Wright.

The question was then taken on the amendment submitted by Mr. Howard, proposing to strike out all after the word "Judges," in the second resolution of the report of the select committee to whom was referred so much of the Constitution as relates to the Judicial Department of the Government—

And decided in the negative.

YEAS, 18—NAYS, 26.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Black, Brandon, Duncan, Falconer, Freeland, Grayson, Howard Jefferson, Keegan, Lowe, Lynch, Morris, McRae, Pendleton, Quitman, Seamon, Trotter, Williams—18.

Those who voted in the negative are—

Messrs. Fray, (president) Austin, Bacot, Cain, Dickson, Farish, Floyd, Granberry, Greenleaf, Hicks, Higgason, Hurst, Johnson, Jones of Jones, Jones of Pike, Magee, McLaughlin, McMillan, McNabb, Pope, Redd, Rose, Runnels, Scott, Stewart, Wright—26.

So the amendment was lost.

The committee on motion of Mr. Farish rose—and the President resumed the chair; when

Mr. Greenleaf reported that the committee of the whole had *again* had the report of the select committee to whom was referred so much of the Constitution as relates to the Judicial Department of the Government under consideration, and had made some progress therein, but not having time to go through with the whole of the business, had instructed him to report progress, and ask leave to sit again.

On motion of Mr. Greenleaf,

Ordered that said report be received and agreed to.

Then the House adjourned.

Wednesday, October 3, 1832.

The Convention met pursuant to adjournment—

When the roll of the members was called by the Secretary, and it appearing that there was not a quorum of the members present;

It was moved by Mr. Farish, that the absent members be sent for.

And the question being put,

It passed in the affirmative.

The Sergeant-at-Arms was then ordered by the President of the Convention, to notify the absent members, that the Convention is now in waiting for them.

The absent members having appeared and taken their seats in the hall, and there being a quorum of the House present:

Mr. Hicks called for the consideration of the resolution which had been introduced by him, and ordered to lie on the table; requiring the Governor, Secretary, Auditor of Public Accounts and Treasurer, to reside at the seat of Government; and, thereupon,

The Convention resolved itself into a committee of the whole on said resolution;

Mr. Jefferson in the chair.—

Mr. Dickson moved to amend said resolution, by adding at the end thereof the words following, to wit:

"Provided nevertheless, that the Governor shall not be required to reside permanently at the seat of Government, until a suitable residence shall be provided for him, and due notice given him by the Legislature."

A debate arose when the previous question was called for by Mr. Stewart, but the House refused to sustain said call.

Whereupon—

The question was taken on the amendment proposed by Mr. Dickson, and determined in the negative.

It was then moved by Mr. Pendleton, to amend said resolution as follows, which was acceded to by Mr. Hicks; insert after the word "Secretary" the words "of State."

Mr. Wright moved to amend said resolution as follows:

Insert after the words "Auditor of Public Accounts" the words "and the Judges of the Supreme Court and Attorney General."

Mr. Hurst moved to amend said amendment as follows:

Strike out the words "Judges of the Supreme Court."

It was then moved by Mr. Wright, that the committee rise, report progress, and ask leave to sit again.

And the question being taken thereon,

It was decided in the negative.

The question was then taken on the amendment proposed by Mr. Hurst to Mr. Wright's amendment,

And decided in the affirmative.

The question then recurred on Mr. Wright's amendment as amended,

And was decided in the affirmative.

Mr. Hurst moved further to amend the said resolution as follows:

Insert after the word "at" the words "or near."

Mr. Scott moved to amend the said amendment as follows, which was acceded to by Mr. Hurst:

After the word "at" add "or within twenty miles of."

Mr. Farish moved to amend the amendment as follows:

Strike out the words "twenty miles."

And the question being put,

It passed in the affirmative.

It was then moved by Mr. Howard, to fill said blank with the words "ten miles."

Mr. Farish proposed to fill it with the words "fifteen miles."

And the question being taken thereon,

It was decided in the negative.

The question was then taken on Mr. Howard's motion, to fill said blank with the words "ten miles;" and determined in the negative.

Mr. Morris proposed that the said blank be filled with the words "five miles."

And the question being put,

It was decided in the negative.

Mr. Black moved that it be filled with the words "three miles."

And the question being taken thereon,

It was resolved in the negative.

Mr. Rose proposed to fill it with the words "two miles."

And the question being taken thereon,

It was decided in the negative.

Mr. Wright moved that the said blank be filled with the words "one mile."

And the question being taken thereon,

It was decided in the negative.

The question was then taken on the amendment proposed by Mr. Hurst, as amended,

And decided in the negative.

The committee, then, on motion of Mr. Black, rose; and the President resumed the chair; when Mr. Greenleaf reported that the committee of the whole had had the resolution requiring the Governor, Secretary of State, Treasurer, and Auditor of Public Accounts to reside at the seat of Government, under consideration, and had made some progress therein, but not having time to go through the whole of the business, had instructed him to report progress and ask leave to sit again.

On motion of Mr. Greenleaf,

It was ordered that said report be received.

And, on motion of Mr. Farish,

It was ordered that the same do lie on the table.

Mr. Scott submitted the following resolution:

Resolved, That the Secretary be directed to furnish Peter Isler, Printer to this Convention, with a copy of the journal of each day's proceedings, as the session progresses; that said Secretary superintend the printing of the same, and that said Isler be directed to print copies of the same.

Mr. Farish moved that said blank be filled with the words "five thousand."

And the question being put,

It was decided in the negative.

Mr. Keegan moved to fill said blank with the words "one thousand."

Mr. Grayson proposed that it be filled with the words "four thousand."

Whereupon,

It was ordered, on motion of Mr. Quitman,

That said resolution be committed to a committee of the whole House, and made the order of the day for to-morrow.

On motion of Mr. Dickson,

The following resolution was adopted:

Resolved, That the *irregular* proceedings had on the resolution requiring the permanent residence of the Governor at the seat of Government, be corrected by the Secretary under the direction of the President.

Mr. Pendleton moved a re-consideration of the vote taken on the reso- ution submitted by Mr. Trotter, and adopted on yesterday, proposing hat a select committee be appointed to consist of one member from each enatorial district, to prepare and fix a bill of apportionment of Senators nd Representatives in the Legislature.

Mr. Farish moved that said motion lie on the table—which motion the resident pronounced to be out of order.

Mr. Black then rose, and said that he would submit to the chair whether the resolution of the gentleman from Lowndes was in order, as the same matter contained in it was already before the House in the report of the select committee, to whom was referred so much of the Constitution as relates to General Provisions.

The Chair decided that it was not the province of the chair to reject a resolution, on account of its being similar to another, or inconsistent with it; but the House might reject it on that account.

The question was then taken, on the motion to reconsider the vote taken on the said resolution,

And passed in the affirmative.

Yeas 25—Nays 18.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (president) Bacot, Black, Brandon, Duncan, Falconer, Granberry, Grayson, Greenleaf, Jefferson, Jones of Jones, Jones of Pike, Keegan, Knox, Lowe, Lynch, McLaughlin, Morris, McNabb, McRae, Pendleton, Pope, Quitman, Seamon, Williams—25.

Those who voted in the negative are—

Messrs. Austin, Cain, Dickson, Farish, Floyd, Hicks, Higgason, Howard, Hurst, Johnson, Magee, McMillan, Redd, Rose, Runnels, Scott, Trotter, Wright—18.

It was then moved by Mr. Pendleton, that said resolution lie on the table.

And the question being taken thereon,

It was decided in the negative.

A motion was then made by Mr, Grayson, that the said resolution be indefinitely postponed.

And the question being put,

It passed in the affirmative.

On motion of Mr. Johnson,

The Convention proceeded *again*, in committee of the whole, to th consideration of the report of the select committee, to whom was referre so much of the Constitution as relates to the Judicial Department of th Government—Mr, Duncan in the chair.

The second resolution of said report being read,

Mr. Farish moved to amend the same as follows:

Insert after the word "by" in the third line, the words "a majority of."

Mr. Hurst moved to amend said amendment as follows:

Strike out from the word "of" and insert the words following—

"Not less than three nor more than five Judges. The Legislature sha divide the State into as many districts as there are to be Judges, and majority of the qualified electors of each district shall elect a Judge, wh shall hold his office for the term of six years."

The chairman pronounced said amendment out of order.

A debate then arose; when it was said by Mr. Magee, that the divisio of the State into districts, and authorizing a Judge of the Supreme Court to be elected by a majority of the qualified voters of each district, would not secure to the Judge elected a majority of the votes of the State; therefore the mode of voting by districts would give a Supreme Judge to the whole State by a plurality of votes, and would in this respect have no advantage over the plan recommended by the committee.

Mr. Black said that the remarks of Mr. Magee were out of order; upon which a question of order arose—

When it was decided by the chairman of the committee that Mr. Magee was in order.

The question then recurring on the amendment proposed by Mr. Farish;

It was moved by Mr. Black, that there be a call of the House.

And the question being put,

It passed in the affirmative.

The roll of the members was then called by the Secretary, when the following members answered to their names:

Messrs. Austin, Bacot, Black, Brandon, Cain, Dickson, Duncan, Falconer, Farish, Floyd, Granberry, Grayson, Greenleaf, Hicks, Higgason, Howard, Hurst, Jefferson, Johnson, Jones of Jones, Jones of Pike, Keegan, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, Morris, McNabb, McRae, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Scott, Seamon, Stewart, Trotter, Williams, Wright.

The Sergeant-at-Arms was then ordered by the chairman of the committee to notify the absent members that the committee is now in waiting for them.

The said absent members having appeared and taken their seats in the hall, the question was then taken on the amendment proposed by Mr. Farish,

And decided in the negative.

YEAS, 15—NAYS, 29.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Black, Brandon, Duncan, Falconer, Farish, Grayson, Howard, Jefferson, Johnson, Jones of Jones, Morris, McRae, Quitman, Seamon, Williams—15.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Bacot, Cain, Dickson, Floyd, Granberry, Greenleaf, Hicks, Higgason, Hurst, Jones of Pike, Keegan, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, McNabb, Pendleton, Pope, Redd, Rose, Runnels, Scott, Stewart, Trotter, Wright—29.

Mr. Greenleaf moved to amend said resolution as follows:

Strike out the words "shall consist of three Judges," in the second line, and insert in lieu thereof "until the year 1836, shall consist of three Judges, and thereafter shall consist of not less than three nor more than five Judges, as from time to time may be regulated by law, a majority of whom shall form a quorum."

And a division of the question being called for by Mr. Farish, it was taken on striking out, and determined in the negative.

Mr. Hurst moved to amend said resolution as follows:

Insert after the word "of," in the second line, the words "not less than three nor more than five Judges. The Legislature shall divide the State into as many districts as there are to be Judges, and a majority of the qualified electors of each district shall elect a Judge, who shall hold his office for the term of six years."

A division of the question being called for, by Mr. Black,

It was first taken on the first proposition,

And decided in the negative.

It was next taken on the second proposition,

And passed in the affirmative.

The committee then, on motion of Mr. Hurst, rose, and the President resumed the Chair; when

Mr. Duncan reported, that the committee of the whole had *again* had under consideration the report of the select committee to whom was referred so much of the Constitution as relates to the Judicial Department of the Government, and had made some progress therein, but not having time to go through with the whole of the business had instructed him to report progress and ask leave to sit again.

On motion of Mr. Duncan,

Ordered that said report be received and agreed to.

Then the House adjourned 'till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment—

And, on motion of Mr. Stewart, resumed, in committee of the whole, the consideration of the report of the select committee to whom was referred so much of the Constitution as relates to the Judicial Department of the Government; Mr. Dickson in the Chair.

And the question recurring on the third proposition of the amendment of Mr. Hurst to the second resolution of the report of the select committee—

It was determined in the negative.

YEAS 16—NAYS 23.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Black, Brandon, Duncan, Falconer, Farish, Grayson, Hurst, Johnson, Jones of Jones, Knox, Magee, Morris, McRae, Quitman, Redd, Seamon—16.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Cain, Dickson, Floyd, Granberry, Greenleaf, Hicks, Higgason, Howard, Keegan, Lowe, Lynch, McLaughlin, McMillan, Pendleton, Pope, Rose, Runnels, Scott, Stewart, Trotter, Williams—23.

Mr. Magee moved to amend said resolution as follows:

Strike out the words "whole State," in the third line, and insert in lieu thereof the words "each district."

A division of the question being called for by Mr. Howard—

It was taken on striking out,

And decided in the negative.

YEAS 20—NAYS 23.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Black, Brandon, Duncan, Falconer, Farish, Grayson, Greenleaf, Hurst, Jones of Jones, Knox, Lynch, Magee, Morris, McRae, Pendleton, Pope, Redd, Seamon, Trotter, Wright—20.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Cain, Dickson, Floyd, Granberry, Hicks, Higgason, Howard, Johnson, Jones of Pike, Keegan, Lowe, McLaughlin, McMillan, McNabb, Quitman, Rose, Runnels, Scott, Stewart, Williams—23.

Mr. Magee moved the following as an amendment to said resolution:

Strike out after the word "judges" in the second line to the word "state," and insert "and the qualified electors in each district shall elect one judge."

A division of the question being called for—

The question recurred on the first proposition in said amendment to strike out—

And after debate, it was moved by Mr. Farish that the committee rise, report progress and ask leave to sit again.

And the question being taken thereon,

It was determined in the negative.

A motion was then made, by Mr. Wright, that there be a call of the House.

And the question being put,

It was decided in the negative.

The question was then taken on the first proposition of Mr. Magee's amendment—

And passed in the affirmative.

Yeas 22—Nays 21.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Bacot, Black, Brandon, Duncan, Falconer, Farish, Grayson, Greenleaf, Hurst, Jones of Jones, Knox, Lynch, Magee, Morris, McRae, Pendleton, Pope, Redd, Seamon, Stewart, Trotter, Wright—22.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Cain, Dickson, Floyd, Granberry, Hicks, Higgason, Howard, Johnson, Jones of Pike, Keegan, Lowe, McLaughlin, McMillan, McNabb, Quitman, Rose, Runnels, Scott, Williams—21.

Mr. Grayson proposed to amend the second proposition of the amendment offered by Mr. Magee, as follows:

Insert after the word "and," the words "a majority of."

The chairman decided that the amendment was out of order, inasmuch as the subject matter embraced therein, had already been acted upon by the committee.

From this decision of the chair, Mr. Grayson took an appeal to the committee;

And question being put,

Shall the decision of the chair stand as the decision of the committee?

It passed in the affirmative.

The question was then taken on the second proposition of Mr. Magee's amendment,

And passed in the affirmative.

YEAS, 23—NAYS, 20.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Bacot, Black, Brandon, Duncan, Falconer, Farish, Greenleaf, Hurst, Jones of Jones, Knox, Lowe, Lynch, Magee, McLaughlin, Morris, McRae, Pendleton, Pope, Redd, Seamon, Stewart, Trotter, Wright—23.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Cain, Dickson, Floyd, Granberry, Grayson, Hicks, Higgason, Howard, Johnson, Jones, of Pike, Keegan, McMillan, McNabb, Quitman, Rose, Runnels, Scott, Williams,—20.

Mr. Quitman moved to amend said resolution by adding at the end thereof, the words following, to wit:

"And shall for five years thereafter, be ineligible to any office in this State."

Mr. Keegan moved to amend said amendment as follows.

Insert after the word "any," the word "other."

And the question being taken thereon,

It was decided in the negative.

The question was then taken on the amendment proposed by Mr. Quitman.

And decided in the negative.

Yeas, 3—Nays, 38.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Morris, Pope, Quitman—3.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Black, Cain, Dickson, Duncan, Falconer, Farish Floyd, Granberry, Grayson, Greenleaf, Hicks, Higgason, Howard, Hurst, Jefferson, Johnson, Jones, of Jones Keegan, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, McNabb, Pendleton, Redd, Rose, Runnels, Scott, Seamon, Stewart, Trotter, Williams, Wright, —38.

It was then moved by Mr. Greenleaf, that the committee rise, report progress, and ask leave to sit again;

And the question being put,

It was decided in the negative.

Mr. Scott moved to amend the said resolution as follows:

Insert after the word "Judges" in the second line, the words "any two of whom shall form a quorum;"

And the question being put,

It passed in the affirmative.

The third resolution of said report being read,

Mr. Farish moved to amend the same as follows:

Strike out all after the word "Resolved;"

And the question being taken thereon,

It was determined in the negative.

Yeas, 16—Nays, 26.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Black, Dickson, Duncan, Falconer, Farish, Grayson, Howard, Jones of Jones, Jones of Pike, Morris, Pope, Quitman, Seamon, Trotter, Williams, Wright—16.

Those who voted in the negative are—

Messrs. Pray, (President) Austin, Bacot, Cain, Floyd, Granberry, Greenleaf, Hicks, Higgason, Hurst, Jefferson, Johnson, Keegan Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, McNabb, Pendleton, Redd, Rose, Runnels, Scott, Stewart—26.

The fourth resolution being read,

Mr. Magee moved the following amandment thereto:

Insert after the word "court," in the second line, the words "and any of the Judges thereof;"

And the question being put,

It passed in the affirmative.

Mr. Greenleaf moved to amend said resolution as follows:

Add after the word "writs," "and provided nothing in this article shall be so construed as to prevent the Legislature from giving the Supreme court original jurisdiction in capital cases, and cases in Chancery, where a Judge of one of the Circuit courts, or the Chancellor may be a party interested;"

And the question being taken thereon,

It was decided in the negative.

Mr. Quitman moved to amend the said fourth resolution as follows:

Strike out from the word "Resolved," and insert the words, (to wit:) "That said court shall have no jurisdiction but such as properly belongs to a court of Errors and Appeals."

And after debate thereon,

The committee, on motion of Mr. Wright, rose, and the President resumed the chair; when

Mr. Dickson reported that the committee of the whole had *again* had under consideration the report of the select committee to whom was referred so much of the Constitution as relates to the Judicial Department of the Government, and had made some progress therein, but not having time to go through the whole of the business, had instructed him to report progress, and ask leave to sit again.

On motion of Mr. Dickson,

Ordered that said report be received and agreed to.

Then the House adjourned.

Thursday, October 4, 1832.

The Convention met pursuant to adjournment—

When the President laid before the House the following written communication, from Mr. Gerard C. Brandon, a member from the county of Wilkinson:

Which was read, and ordered to lie on the table.

The Hon. P. R. R. Pray,
President of the Convention:

Dear Sir,—I beg leave, through you, to inform the Convention that I have this day resigned my seat as a member of that honorable body from the county of Wilkinson.

With sentiments of great respect, your most obedient servant,
GERARD C. BRANDON.

Mr. Johnson submitted the following resolution—which was adopted:

Resolved, That the Governor of this State be notified that the Honorable Gerard C. Brandon, a member of this Convention, from the county of Wilkinson, has resigned his seat in the same.

Mr. Quitman made the following report:

MR. PRESIDENT:

The committee to whom was referred the duty of arranging the amendments and changes in the Declaration of Rights, and resolutions relating thereto, have directed me to report the same in the following form.

DECLARATION OF RIGHTS.

That the general, great and essential principles of liberty and free government may be recognized and established, we declare:

Sec. 1. That all freemen, when they form a social compact, are equal in rights; and that no man, or set of men, are entitled to exclusive separate public emoluments or privileges from the community, but in consideration of public services.

Sec. 2. That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and therefore they have at all times an unalienable and indefeasible right to alter or abolish their form of government, in such manner as they may think expedient.

Sec. 3. The exercise and enjoyment of religious profession and worship, without discrimination, shall forever be free to all persons in this State: *Provided*, That the right hereby declared and established shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of this State.

Sec. 4. No preference shall ever be given by law to any religious sect, or mode of worship.

Sec. 5. That no person shall be molested for his opinions on any subject whatever, nor suffer any civil or political incapacity, or acquire any civil or political advantage, in consequence of such opinions, except in cases provided for in this Constitution.

Sec. 6. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

Sec. 7. No law shall ever be passed to curtail or restrain the liberty of speech, or of the press.

Sec. 8. In all prosecutions, or indictments for libel, the truth may be given in evidence; and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives and for justifiable ends, the party shall be acquitted, and the jury shall have the right to determine the law and the fact.

Sec. 9. That the people shall be secure in their persons, houses, papers, and possessions, from unreasonable seizures and searches; and that no warrant to search any place, or to seize any person or thing, shall issue without describing the place to be searched, and the person or thing to be seized, as nearly as may be, nor without probable cause, supported by oath or affirmation.

Sec. 10. That in all criminal prosecutions the accused hath a right to be heard by himself and counsel—to demand the nature and cause of the accusation—to be confronted by the witnesses against him—to have compulsory process for obtaining witnesses in his favor; and in all prosecutions by indictment or information a speedy public trial by an impartial jury of the county where the offence was committed: That he cannot be compelled to give evidence against himself; nor can he be deprived of his life, liberty or property, but by due course of law.

Sec. 11. No person shall be accused, arrested or detained, except in cases ascertained by law, and according to the form which the same has prescribed; and no person shall be punished but in virtue of a law established and promulgated prior to the offence, and legally applied.

Sec. 12. That no person shall for any indictable offence be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia when in actual service, or by leave of the Court for misdemeanor in office.

Sec. 13. No person shall for the same offence be twice put in jeopardy of life or limb, nor shall any person's property be taken or applied to public use without the consent of the Legislature, and without just compensation being first made therefor.

Sec. 14. That all Courts shall be open, and every person for an injury done him, in his lands, goods, person, or reputation, shall have remedy by due course of law, and right, and justice administered without sale, denial or delay.

Sec. 15. That no power of suspending laws shall be exercised, except by the Legislature, or its authority.

Sec. 16. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishment inflicted.

Sec. 17. That prisoners shall before conviction be bailable by sufficient securities, except for capital offences, when the proof is evident, or the presumption great, and the privilege of the writ of *habeas corpus* shall not be suspended, unless, when in case of rebellion or invasion, the public safety may require it.

Sec. 18. That the person of a debtor when there is not strong presumption of fraud, shall not be detained in prison, after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

Sec. 19. No conviction for any offence shall work corruption of blood, or forfeiture of estate, the Legislature shall pass no bill of attainder, ex post facto law, nor law impairing the obligation of contracts.

Sec. 20. No property qualification for eligibility to office, or for the right of suffrage, shall ever be required by law in this State.

Sec. 21. That the estates of suicides shall descend or vest, as in cases of natural death, and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

Sec. 22. That the citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of Government for redress of grievances, or other proper purposes by petition, address, or remonstrance.

Sec. 23. Every citizen has a right to bear arms in defence of himself, and of the State.

Sec. 24. No standing army shall be kept up without the consent of the Legislature; and the military shall in all cases, and at all times be in strict subordination to the civil power.

Sec. 25. That no soldier shall in time of peace be quartered in any house, without the consent of the owner, or in time of war, but in a manner to be prescribed by law.

Sec. 26. That no hereditary emoluments, privileges, or honors, shall ever be granted or conferred in this State.

Sec. 27. Emigration from this State shall not be prohibited.

Sec. 28. The right of trial by Jury shall remain inviolate.

Sec. 29. No person shall be debared from prosecuting or defending any civil cause for or against him or herself, before any tribunal in this State, by him or herself, or counsel, or both.

Sec. 30. No person shall ever be appointed or elected to any office in this State for life, or during good behaviour, but the tenure of all offices shall be for some limited period of time, if the person appointed, or elected thereto, shall so long behave well.

CONCLUSION.

To guard against transgressions of the high powers herein delegated, we declare, that every thing in this article is excepted out of the general powers of Government, and shall forever remain inviolate, and that all laws contrary thereto, or to the following provisions, shall be void.

JOHN A. QUITMAN,
Chairman.

On motion of Mr. Quitman,

Ordered that said report be received and agreed to, and that the same lie on the table.

On motion of Mr. Dickson,

Mr. Lowe was excused from further attendance on the Convention until Monday next.

And on motion of Mr. Duncan,

Mr. Freeland was excused from further attendance on the Convention during his indisposition.

According to the order of the day, the Convention resolved itself into a committee of the whole, on the resolution requiring the secretary to furnish Peter Isler, printer to the Convention with a copy of the Journal of each day's proceedings as the session progresses, Mr. Grayson in the chair.

And the question recurring on the motion made by Mr. Grayson, to fill the blank in said resolution with the words "four thousand,"

It was decided in the negative.

It was then moved, by Mr. Hurst, to fill said blank with the words "four thousand five hundred;"

And the question being put,

It was determined in the negative.

Mr. Morris moved that it be filled with the words "six thousand;"

And the question being taken thereon,

It was decided in the negative.

Mr. Greenleaf proposed to fill the said blank with the words "four thousand one hundred," but his motion did not prevail.

Mr. Farish moved to fill it with the words "three thousand," which motion also proved unsuccessful.

Mr. Wright proposed to fill it with the words "twenty nine hundred," which motion was also negatived.

Mr. Redd moved, that it be filled with the words "two thousand five hundred;"

And the question being put,

It passed in the affirmative.

The committee then, on motion of Mr. Farish rose, and the President resumed the chair, when

Mr. Grayson reported that the committee of the whole had had the resolution in relation to the printing the Journal of the Convention under consideration, and had made an amendment thereto, and had instructed him to report the same as amended.

On motion of Mr. Grayson,

Ordered that said report be received and agreed to.

Mr. Runnels moved, that said resolution lie on the table,

And the question being taken thereon,

It was decided in the negative.

The question was then taken on the adoption of said resolution,

And passed in the affirmative.

On motion of Mr. Trotter, the Convention resumed in committee of the whole the consideration of the report of the select committee to whom was referred so much of the Constitution as relates to the Judicial Department of the Government, Mr. Grayson in the chair;

And the question being taken on the amendment proposed by Mr. Quitman, on yesterday, to the 4th resolution of the report of the committee,

It passed in the affirmative.

The fifth resolution of said report was read, and there being no amendment proposed, the sixth was read, when the following amendment was proposed thereto by Mr. Farish:

Fill the first blank in said resolution with the word "thirty;"

And the question being put,

It passed in the affirmative.

Mr. Keegan moved to amend said resolution as follows:

Strike out after the word "years," in the second line the balance of the resolution.

Mr. Greenleaf moved the following as an amendment to said resolution:

Fill the second blank with the word "five."

Mr. Morris proposed to amend said resolution as follows:

Fill the second blank with the word "fifteen."

And the question being put,

It was determined in the negative.

The question was then taken on the amendment proposed by Mr. Greenleaf, to fill the said blank with the word "five,"

And determined in the negative.

YEAS, 15—NAYS, 27.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Duncan, Floyd, Grayson, Greenleaf, Johnson, Jones of Pike, Knox, Magee, McNabb McRae, Pope, Quitman, Redd, Runnels, Seamon—15.

Those who voted in the negative are—

Messrs. Pray, (President) Austin, Bacot, Black, Cain, Falconer, Farish, Granberry, Hicks, Higgason, Howard, Hurst, Jefferson, Jones of Jones, Keegan, Lowe, Lynch, McLaughlin, McMillan, Morris, Pendleton, Rose, Scott, Stewart, Trotter, Williams, Wright—27.

The question was then taken on the amendment proposed by Mr. Keegan,

And passed in the affirmative.

Mr. Hicks moved to amend said resolution as follows:

Strike out all after the word "resolved."

And the question being taken thereon,

It was determined in the negative.

Mr. Greenleaf moved the following as an amendment to said resolution:

Add after the word "years" in the second line the words "and who shall not be learned in the law."

And after debate,

The previous question was called for by Mr. Duncan, and being demanded by one third of the members present; the said previous question was then put, viz: shall the main question be now put?

And passed in the affirmative.

The main question was then put, viz:

Shall the said amendment be adopted?

And determined in the negative.

The seventh resolution of said report was then read, and the following amendment proposed thereto by Mr. Quitman:

Insert after the word "at" the words "such place as the Legislature shall direct, until the year 1836, and afterwards at"

And the question being put,

It passed in the affirmative.

Mr. Johnson moved to amend said resolution as follows:

Strike out from the word "the" where it first occurs in the first line, and insert—

"State shall be divided into two districts, and the High Court of Errors and Appeals shall hold courts in each, as shall be prescribed by the Legislature."

Mr. Quitman moved the following amendment to said amendment, which was acceded to by Mr. Johnson.

Strike out the word "two" and insert in lieu thereof the word "three."

The question then recurred on the amendment proposed by Mr. Johnson;

And a division of the question being called for by Mr. Runnels, it was taken first on striking out,

And decided in the negative.

Mr. Black moved to amend said resolution as follows:

Strike out all after the word "resolved."

And the question being put,

It was determined in the negative.

The 8th resolution being read—

Mr. Hurst moved that the same be amended as follows:

Strike out after the word "resolved."

And the question being put,

It passed in the affirmative.

The 9th resolution was then read—

And the following amendment proposed thereto by Mr. Keegan:

Strike out all after the word "resolved."

And the question being taken thereon,

It was determined in the negative.

It was then moved by Mr. Quitman, that the said resolution be amended as follows:

Strike out after the word "be" in the sixth line, and insert "his duty to grant a certificate of the same."

A debate arose thereon.

When the previous question was called for by Mr. Duncan, and being demanded by one third of the members present; the said previous question was then put, viz: shall the main question be now put?

And passed in the affirmative.

The main question was then put, viz:

Shall the amendment be adopted?

And determined in the negative.

The tenth resolution being read—

Mr. Magee moved to amend the same, as follows:

Insert after the second "and" in third line, "whenever a quorum of said Court are situated as aforesaid."

And the question being put,

It passed in the affirmative.

The eleventh resolution was read—and the following amendment proposed thereto by Mr. Farish:

Strike out the words "at least two thousand" and insert "not less than three nor more than five thousand."

A division of the question being called for, it was taken first on striking out, and determined in the negative.

Mr. Hicks moved to amend the said 11th resolution as follows:

Strike out all after the word "services" and insert the words following, to wit: "a sum to be fixed by the Legislature which shall not be increased or diminished during their term of service."

And the question being taken thereon,

It was decided in the negative.

Mr. Quitman moved the following as an amendment to the said 11th resolution:

After the word "receive" strike out the whole resolution, and insert "for their services such compensation as shall be fixed by law, which shall not be diminished during their continuance in office."

A division of the question being called for, it was taken first on striking out;

And decided in the negative.

YEAS, 21—NAYS, 21.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Black, Cain, Dickson, Falconer, Granberry, Grayson, Hicks, Hurst, Jones of Jones, Keegan, Lowe, Lynch, McMillan, Morris, Pendleton, Pope, Quitman, Rose, Scott, Seamon, Trotter—21.

Those who voted in the negative are—

Messrs. Pray, (President) Austin, Bacot, Duncan, Farish, Floyd, Greenleaf, Higgason, Howard, Jefferson, Johnson, Jones of Pike, Knox, Magee, McLaughlin, McRae, Redd, Runnels, Stewart, Williams, Wright—21.

The committee, then on motion of Mr. Magee, rose, and the President resumed the chair; when Mr. Grayson reported that the committee of the whole had had the report of the select committee, to whom was referred so much of the Constitution as relates to the Judicial Department of the Government under consideration, and had made some progress therein; but not having time to go through the whole of the business, had instructed him to report progress and ask leave to sit again.

On motion of Mr. Grayson,

Ordered that said report be received and agreed to.

And then the House adjourned 'till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment—

When, on motion of Mr. Dickson, the following resolution was adopted:

Resolved, That the Secretary be and he is hereby instructed to inform Peter Isler of his appointment as Public Printer to this Convention, and that he ascertain whether he accepts the same or not.

Mr. Bacot submitted the following resolution:

That a select committee of   members be appointed to wait on the public printer, and report to this House to-morrow the best form and manner of printing and publishing the Journals, and what ought to be the size of the page; and also to state as nearly as they can what will be the expense of publishing 2500 copies.

On motion of Mr. Hurst,

It was ordered that said resolution lie on the table.

On motion of Mr. Magee,

The Convention resumed, in committee of the whole, the consideration of the report of the select committee to whom was referred so much of the Constitution as relates to the Judicial Department of the Government, Mr. Grayson *again* in the Chair; when

Mr. McRae moved a reconsideration of the vote taken on the amendment proposed by Mr. Quitman, in relation to the compensation of the Judges of the High Court of Errors and appeals.

It was then moved, by Mr. Runnels, that there be a call of the House;

And the question being put,

It passed in the affirmative.

The roll of the members was then called by the Secretary;

When the following members answered to their names:

Messrs. Austin, Bacot, Black, Cain, Dickson, Duncan, Falconer, Farish, Granberry, Grayson, Greenleaf, Hicks, Howard, Hurst, Jefferson, Johnson, Jones, of Pike, Jones, of Jones, Keegan, Magee, McLaughlin, McMillan, Morris, McRae, Pendleton, Pope, Quitman, Redd, Runnels, Scott, Seamon Williams.

The absent members having been, on motion of Mr. Runnels, sent for, and the question recurring on Mr. McRae's motion to reconsider the vote taken on the amendment proposed by Mr. Quitman—

Mr. Magee asked the Chairman if it was in order to reconsider said vote—

And being answered in the affirmative, he said that as there was no majority given in the vote that it must be out of order to reconsider it; and if the Chair persisted in its decision, he would appeal to the Committee.

The Chair again replied that the motion to reconsider was in order.

Mr. Magee then took an appeal to the committee.

And the question being put, shall the decision of the Chair stand as the decision of the committee?

It was decided in the affirmative.

The question was then taken on Mr. McRae's motion to reconsider said vote—

And determined in the negative.

YEAS 20—NAYS 21.

The yeas and nays being demanded by two of the members present;

Those who voted in the affirmative are—

Messrs. Black, Cain, Falconer, Granberry, Grayson, Hicks, Howard, Jones, of Jones, Keegan, Lowe, Lynch, McMillan, Morris, McRae, Pendleton, Pope, Quitman, Scott, Seamon, Trotter—20.

Those who voted in the negative are—

Messrs. Pray, (President) Austin, Bacot, Dickson, Duncan, Farish, Floyd, Greenleaf, Higgason, Hurst, Jefferson, Johnson, Jones, of Pike, Knox, Magee, McLaughlin, Redd, Runnels, Stewart, Williams, Wright—21.

Mr. Pendleton moved to amend the said 11th resolution as follows:

Strike out all after the word "Resolved,"

And the question being taken thereon,

It was determined in the negative.

The 12th resolution of said report was read, and the following amendment proposed thereto, by Mr. Black:

Strike out the words "shall be elected by the qualified electors of each Judicial District,

And the question being taken thereon,

It was decided in the negative.

Mr. Howard moved to amend said resolution as follows:

Strike out in the second line, the words "each Judicial District," and insert in lieu thereof, the words "of the whole State who shall go the circuits in rotation."

A division of the question being called for, by Mr. Farish,

It was taken first on strking out;

And decided in the negative.

Mr. Quitman moved the following as an amendment to said resolution:

Insert after the word "by," in the first line, the words "a majority of,"

And the question being put,

It was determined in the negative.

YEAS 16—NAYS 26.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Black, Duncan, Falconer, Farish, Grayson, Howard, Jefferson, Johnson, Knox, Magee, Morris, McRae, Quitman, Redd, Seamon, Williams—16.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Bacot, Cain, Dickson, Floyd, Granberry, Greenleaf, Hicks, Higgason, Hurst, Jones, of Jones, Jones of Pike, Keegan, Lowe, Lynch, McLaughlin, McMillan, Pendleton, Pope, Rose, Runnels, Scott, Stewart, Trotter, Wright—26.

The 13th resolution was read, when a motion was made by Mr. Pendleton, to fill the first blank in the said resolution with the words "twenty six."

Mr. Hurst moved, that it be filled with the word "thirty,"

And the question being put,

It was decided in the negative.

Mr. Jefferson proposed filling it with the words "twenty-eight,"

And the question being taken thereon,

It was determined in the negative.

Mr. Greenleaf moved, that it be filled with the words "twenty-seven,"

But his motion did not prevail.

Mr. Hurst proposed to fill it with the words "thirty-one,"

And the question being put,

It was decided in the negative.

The question was then taken on the proposition made by Mr. Pendleton, to fill it with the words "twenty-six,"

And passed in the affirmative.

Mr. Pendleton moved, further to amend said resolution as follows.

Strike out all after the word "years," at the end of the second line,

And the question being taken thereon,

It was decided in the affirmative.

The 14th resolution was read, and the following amendment proposed thereto, by Mr. Hurst:

Strike out in the second line the word "eight," and insert the word "ten."

A division of the question being called for, by Mr. Farish,

It was taken first on striking out,

And decided in the negative.

Mr. Greenleaf moved, to amend said resolution by adding to the beginning thereof, the words following, to wit:

"There shall be established by the Legislature not less than five Districts for the Circuit courts of law for which purpose," the State, &c.

And the question being taken thereon,

It was determined in the negative.

Mr. Granberry moved, to amend said resolution as follows:

Strike out "three," in the second line, and insert "five;"

And the question being put,

It was determined in the negative.

The 15th resolution was read, and the following amendment proposed thereto, by Mr. Quitman:

In the second line after "jurisdiction," strike out the remainder, and insert "in all criminal cases, except for the trial of slaves for offences not capital, and the entire original jurisdiction in all matters of law, where the amount or principal sum in controversy exceeds fifty dollars."

A division of the question being called for, by Mr. Black,

It was first taken on striking out,

And determined in the negative.

Mr. Stewart moved to amend said resolution as follows:

Strike out the word "fifty," in the third line, and insert in lieu thereof the words "one hundred."

A division of the question being called for,

It recurred on the first proposition to strike out—

When a discussion arose;

And the previous question was called for, by Mr. Farish, and being demanded by one-third of the members present,

The said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The main question was then put, viz:

Shall the first proposition in the said amendment be adopted?

And determined in the negative.

Yeas, 16—Nays, 25.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Austin, Cain, Floyd, Granberry, Hicks, Hurst, Keegan, Lynch, McLaughlin, McMillan, McRae, Pendleton, Rose, Scott, Stewart—16.

Those who voted in the negative are—

Messrs. Bacot, Black, Dickson, Duncan, Falconer, Farish, Grayson, Greenleaf, Higgason, Howard, Jefferson, Johnson, Jones of Jones, Jones of Pike, Knox, Magee, Morris, Pope, Quitman, Redd, Runnels, Seamon, Trotter Williams, Wright—25.

The 16th resolution was read, and the following amendment proposed hereto by Mr. Black:

Strike out from the word "year."

And the question being put,

It was decided in the negative.

Mr. Wright moved to amend said resolution as follows:

Strike out after the word "manner" and insert the words "that no Judge hall hold the same circuit oftener than once in two years."

And the question being taken thereon,

It was determined in the negative.

Mr. Greenleaf moved to amend said resolution as follows:

Strike out the words "said Circuit Courts" in the third line, and insert e words "every two districts."

A division of the question being called for, it was taken first on striking t, and determined in the negative.

The 17th resolution was read, and the following amendment thereto oposed by Mr. Quitman:

Strike out from the word "receive" in the first line, and insert the rds "for their services a compensation to be fixed by law, which shall t be diminished during their continuance in office."

And the question being taken thereon,

It was decided in the negative.

YEAS 18—NAYS 23.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Black, Falconer, Granberry, Grayson, Hicks, Howard, Hurst, es of Jones, Keegan, Lynch, Morris, McRae, Pendleton, Pope, Quit- n, Scott, Seamon, Trotter—18.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Bacot, Cain, Dickson, Duncan, Far- Floyd, Greenleaf, Higgason, Jefferson, Johnson, Jones of Pike, Knox, gee, McLaughlin, McMillan, Redd, Rose, Runnels, Stewart, Williams, ght—23.

r. Pendleton moved the following as an amendment to said resolution:

trike out the words "two thousand" and insert in lieu thereof the ls "fifteen hundred."

r. Farish called for a division of the question;

When it was taken on striking out, and determined in the negative.

YEAS 16—NAYS 26.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Black, Cain, Granberry, Grayson, Howard, Jones of Jones, Keegan, Lowe, Lynch, Morris, McRae, Pendleton, Pope, Quitman, Scott, Wright—16.

Those who voted in the negative are—

Messrs. Pray, (President) Austin, Bacot, Dickson, Duncan, Falconer, Farish, Floyd, Greenleaf, Hicks, Higgason, Hurst, Jefferson, Johnson, Jones of Pike, Knox, Magee, McLaughlin, McMillan, Redd, Rose, Runnels, Seamon, Stewart, Trotter, Williams—26.

The committee then, on motion of Mr. Magee, rose, and the President resumed the chair;

When Mr. Grayson reported that the committee of the whole had agai had under consideration the report of the select committee, to whom wa referred so much of the Constitution as relates to the Judicial departmen of the Government, and had made some progress therein, but not havin time to go through the whole of the business, had instructed him to repo progress and ask leave to sit again.

On motion of Mr. Grayson,

Ordered that said report be received and agreed to.

And then the House adjourned 'till half past eight o'clock, A. M. t morrow.

Friday, October 5, 1832.

The Convention met pursuant to adjournment—

When Mr. Trotter submitted the following resolution;

Which was adopted.

Resolved, That the Public Printer to this Convention be instructed follow the mode pursued by the printer to the Congress of the Unit States, in printing the yeas and nays on questions before this Conventi instead of making columns, as heretofore done in the Journals of General Assembly.

On motion of Mr. Johnson,

The Convention resumed *again*, in committee of the whole, consideration of the report of the select committee to whom was refer so much of the Constitution as relates to the Judicial Department of Government; Mr. Black in the Chair.

It was then moved by Mr. Granberry to amend the 17th resolutio the said report, as follows:

Insert after the words "per annum," in the second line, the words "and no more."

And the question being put,

It was determined in the negative.

YEAS 14—NAYS 27.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Black, Cain, Falconer, Granberry, Grayson, Howard, Hurst, Jones of Jones, Keegan, Lowe, McMillan, Morris, McNabb, McRae—14.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Dickson, Duncan, Farish, Floyd, Greenleaf, Hicks, Higgason, Jefferson, Johnson, Kennedy, Knox, Lynch, Magee, McLaughlin, Pendleton, Pope, Quitman, Redd, Runnels, Scott, Seamon, Trotter, Williams, Wright—27.

The 18th resolution being read—

Mr. Magee moved to amend the same, as follows:

Strike out all after the word "Probate," in line 2d, and insert the words, to wit:

"With jurisdiction in all matters testamentary, and of administration in all orphans' business, and the allotment of dower in cases of idiocy and lunacy and over persons *non compos mentis.*"

Mr. Howard moved to amend said amendment as follows:

Which was acceded to by Mr. Magee.

Strike out the word "all" before the word "orphans."

The question then recurred on the amendment proposed by Mr. Magee;

And a division of the question being called for—

It was first taken on the first proposition to strike out,

And passed in the affirmative.

It was then taken on the second proposition to insert,

And passed in the affirmative.

The 19th resolution being read—

Mr. Pendleton moved to fill the blank in said resolution with the word "two"—

Mr. McRae proposed filling it with the word "four"—

And the question being put,

It was determined in the negative.

Mr. Granberry moved to fill it with the word "three"—

And the question being put,

It was decided in the negative.

The question was then taken on the amendment proposed by Mr. Pendleton, for filling with the word "two"—

And passed in the affirmative.

Mr. Greenleaf moved the following as an amendment to said resolution:

Strike out from the word "resolved, and insert the words, to wit:

"That a County Court shall be established in each county; the jurisdiction and powers of which to be prescribed by law, and which shall be uniform in each county: *Provided*, however, that said Court shall not entertain original jurisdiction in any civil cause where the principal of the matter or sum in controversy exceeds fifty dollars; nor in any criminal cause, except for the trial of slaves. And the judicial officers of the County Court shall consist of one Chief Justice and two Associate Justices, to be chosen by the qualified electors of each county, for the term of four years: And the Chief Justice shall be *ex officio* Judge of Probates."

A division of the question being called for, it was taken on striking out—and determined in the negative.

The 20th resolution being read—

Mr. Hurst moved to amend the same as follows:

Strike out in the second line the word "always."

And the question being put,

It passed in the affirmative.

Mr. Grayson moved the following amendment to said resolution:

Strike out all after the word "resolved."

And the question being taken thereon,

It was decided in the negative.

Mr. Greenleaf moved to amend said resolution as follows:

Strike out all after the word "law" in the second line.

And the question being put,

It was determined in the negative.

The 21st resolution being read—

Mr. Pope moved that the same be amended as follows:

Strike out the word "two" in the 4th line and insert the word "four."

A division of the question being called for, it was taken on striking out, and determined in the negative.

Mr. Williams moved to amend said resolution as follows:

Strike out from the word "years" to the word "and" in the second line, and insert the words "by said Court."

And the question being put,

It passed in the affirmative.

Mr. Morris proposed to amend said resolution as follows:

Insert after the word "electors" the words "and militia."

Mr. Hurst said that the amendment was out of order, and having appealed to the chair to sustain his decision, the chairman said that the amendment was in order.

A motion was then made by Mr. Dickson to amend the said amendment, by adding thereto the words following, to wit:

"So far as relates to the county of Perry."

A debate arose—

When the previous question was called for by Mr. Johnson, and being demanded by one third of the members present, the said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the amendment proposed by Mr. Morris be adopted?

And determined in the negative.

Mr. Quitman moved to amend the said resolution by adding to the end thereof the words following, to wit:

"But no person shall be eligible to the office of Clerk, without having at the time of his election a certificate of his qualifications, signed by at least two Judges of the High Court of Errors and Appeals."

Mr. Hurst moved that the committee rise, report progress and ask leave to sit again.

And the question being put,

It was decided in the negative.

A debate then arose—when the previous question was called for by Mr. Duncan; and being demanded by one-third of the members present, the said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the said amendment be adopted?

And was decided in the negative.

YEAS 6—NAYS 34.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Duncan, Grayson, Greenleaf, Howard, Morris, Quitman—6.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Bacot, Black, Cain, Dickson, Falconer, Farish, Granberry, Hicks, Higgason, Hurst, Jefferson, Johnson, Jones of Jones, Jones of Pike, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, McNabb, McRae, Pendleton, Pope, Redd, Runnels, Scott, Seamon, Stewart, Trotter, Williams—34.

The committee then, on motion of Mr. Pendleton, rose, and the President resumed the chair; when Mr. Black reported that the committee of the whole had again had under consideration the report of the select committee, to whom was referred so much of the Constitution as relates to the Judicial department of the Government, and had made some progress therein, but not having time to go through the whole of the business, had instructed him to report progress and ask leave to sit again.

On motion of Mr. Black,

Ordered that said report be received and agreed to.

Then the House adjourned 'till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment.

In pursuance to a resolution adopted on yesterday, instructing the

Secretary to notify Peter Isler of his appointment as Printer to this Convention, and ascertain if he accepted the same; the Secretary informed him of said appointment, and received the following answer, which was read and ordered to lie on the table.

JACKSON, Oct. 5, 1832.

SIR:—In reply to your note of yesterday, notifying me that I have been appointed Printer to the Convention, and desiring me to indicate my acceptance or non-acceptance thereof; I have the honor therefore to inform you and the Convention that I accept the appointment, and am ready to enter upon the exercise of the duties of said office.

Respectfully, PETER ISLER.

JOHN H. MALLORY, Esqr.
Secretary of the Convention.

Mr. Trotter submitted the following resolution, which was ordered on motion of Mr. Knox, to lie on the table:

Resolved, That when the House adjourn to-day, it will adjourn to meet at half past 7 o'clock this evening.

On motion of Mr. Duncan,

The Convention resumed, in committee of the whole, the consideration of the report of the select committee, to whom was referred so much of the Constitution as relates to the Judicial Department of the Government, Mr. Black *again* in the Chair—

When it was moved by Mr. Howard, to amend the 21st resolution of the said report by adding at the end thereof, the words following, to wit:

"But no person shall be eligible as clerk, except he have a certificate of his qualifications signed by one of the Judges of the High Court o Errors and Appeals or by one of the Judges of the Circuit courts."

And the question being put,

It was determined in the negative.

YEAS, 9—NAYS, 31.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Black, Falconer, Grayson, Greenleaf, Howard, McLaughlin, Morris, Quitman, Seamon—9.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Bacot, Cain, Dickson, Duncan, Farish, Floyd, Granberry, Higgason, Hurst, Jefferson, Johnson, Jones of Jones, Keegan, Kennedy, Knox, Lowe, Lynch, Magee, McMillan, McNabb, McRae, Pendleton, Pope, Redd, Runnels, Scott, Stewart, Trotter, Williams—31.

Mr. Greenleaf moved to amend the said 21st resolution, by adding at the end thereof, the words following, to wit:

"But may be suspended therefrom, by the presiding Judge of the court for alleged incompetency, neglect of duty, or misdemeanor in office, and shall be removed therefrom, for incompetency, neglect of duty, or misdemeanor in office, by the High court of Errors and Appeals, which court shall determine both the law and the fact."

And the question being taken thereon,

It was decided in the negative.

The 22nd resolution being read, Mr. Floyd moved, to fill the first blank therein, with the word "five,"

And the question being put,

It passed in the affirmative.

Mr. Pendleton, moved, to fill the second blank in said resolution with the word "two."

Mr. Jefferson moved to fill it with the word "four,"

And the question being put,

It was determined in the negative.

The question was then taken on Mr. Pendleton's motion to fill it with the word "two,"

And passed in the affirmative.

Mr. Greenleaf moved to amend the said resolution as follows:

Strike out all after the word "Resolved," and insert "the Legislature shall have power to establish one or more inferior court or courts in each county within this State, for the trial of appeals from the decisions of a Justice of the Peace; for the trial of slaves in all cases not capital; for regulating and conducting all matters of county police, and for such other purposes as may be prescribed by law; the powers and jurisdiction of which shall be uniform in each county."

A division of the question being called for, by Mr. Stewart,

It was taken on striking out,

And determined in the negative.

The 23rd resolution was read, and the following amendment proposed thereto, by Mr. Keegan:

Strike out all after the word "Resolved,"

And the question being put,

It passed in the affirmative.

The 24th resolution being read,

Mr. Pendleton moved, that the same be amended as follows:

Strike out all after the word "Resolved,"

And the question being put,

It passed in the affirmative.

The 25th and 26th resolutions were read, and no amendments proposed.

The 27th was then read, and the following amendment proposed thereto, by Mr. Keegan:

Strike out all after the word "Resolved,"

And the question being taken thereon,

It was decided in the affirmative.

The 28th resolution being read, the following amendment thereto, was moved by Mr. Grayson:

Strike out from the word "Resolved,"

And the question being put,

It was determined in the negative.

The following amendment to the 22nd resolution was proposed by Mr. Scott, and pronounced by the chairman to be out of order:

Strike out the words "five persons," and insert the words "such number of persons as may be prescribed by law."

Mr. Quitman said he considered the amendment proposed in order, and took an appeal from the chairman's decision to the committee,

And the question being put,

Shall the decision of the chair stand as the decision of the committee?

It passed in the affirmative.

Mr. Morris moved to amend the 28th resolution of the report of the select committee by adding thereto, at the end, the words following to wit:

"There shall be a clerk to the board of county police, who shall be elected by the Militia."

A debate arose—when the previous question was called for, by Mr. Johnson, and being demanded by one-third of the members present—

The said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the amendment be adopted?

And was determined in the negative.

YEA 1—NAYS 39.

The yeas and nays being demanded by two of the members present:

In the affirmative—

Mr. Morris—1.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Black, Cain, Dickson, Duncan, Falconer, Farish, Floyd, Granberry, Grayson, Greenleaf, Higgason, Howard, Hurst, Jefferson, Johnson, Jones of Jones, Jones of Pike, Keegan, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, McNabb, McRae, Pendleton, Pope, Quitman, Redd, Runnels, Scott, Seamon, Stewart, Trotter, Williams—39.

Mr. Hurst moved to amend the 22d resolution of the report of the select committee, by adding thereto at the end the following words, to wit:

"And the Clerk of the Court of Probates shall be the Clerk of the board of county police."

And the question being put,

It passed in the affirmative.

The 29th resolution being read—

The following amendment thereto was proposed by Mr. Stewart:

Strike out in the fifth line the words "fifty" and insert in lieu thereof the words "one hundred."

Mr. Farish called for a division of the question;

When a debate arose—

And the previous question was called for, by Mr. Farish, and demanded by one-third of the members present—

The said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the first member of said amendment be adopted?

And determined in the negative.

YEAS 17—NAYS 25.

The yeas and nays being demanded by two of the members present;

Those who voted in the affirmative are—

Messrs. Pray, (president) Austin, Cain, Floyd, Granberry, Hicks, Higgason, Hurst, Keegan, Kennedy, Lynch, McLaughlin, McMillan, McRae, Pendleton, Scott, Stewart—17.

Those who voted in the negative are—

Messrs. Bacot, Black, Dickson, Duncan, Falconer, Farish, Grayson, Greenleaf, Howard, Jefferson, Johnson, Jones of Jones, Jones of Pike, Knox, Lowe, Magee, Morris, McNabb, Pope, Quitman, Redd, Runnels, Seamon, Trotter, Williams—25.

The 30th resolution was read—

And the following amendment proposed thereto by Mr. Quitman:

Strike out the word "shall" and insert the word "may."

And the question being put,

It passed in the affirmative.

Mr. Howard moved to amend the 29th resolution as follows:

Strike out the word "causes" in the fourth line, and insert the words "all cases of contract."

A division of the question being called for, by Mr. Farish,

It was taken on striking out,

And determined in the negative.

Mr. Lowe moved to amend the 29th resolution as follows:

Insert after the word "dollars" the words "that any of said Justices with two slave-holders shall preside over the trial of slaves, in all cases not capital."

And the question being taken thereon,

It was determined in the negative.

The 31st resolution was read, and no amendment having been proposed,

The 32d was read—and the following amendment proposed thereto by Mr. Quitman:

Strike out the words "a majority" in the third line, and insert the words "two thirds."

Mr. Farish called for a division of the question;

When it was taken on striking out—

And passed in the affirmative.

It was then taken on inserting,

And passed in the affirmative.

YEAS, 26—NAYS, 16.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (president) Austin, Bacot, Black, Cain, Dickson, Falconer, Granberry, Grayson, Greenleaf, Hicks, Howard, Keegan, Knox, Lowe, Lynch, Magee, Morris, Pendleton, Pope, Quitman, Redd, Runnels, Scott, Seamon, Trotter—26.

Those who voted in the negative are—

Messrs. Duncan, Farish, Floyd, Higgason, Hurst, Jefferson, Johnson, Jones of Jones, Jones of Pike, Kennedy, McLaughlin, McMillan, McNabb, McRae, Stewart, Williams—16.

Mr. Greenleaf moved to amend the 32d resolution as follows:

Strike out the words "and both Houses of the Legislature" and insert the words "of the House of Representatives."

A division of the question being called for;

It was taken on striking out,

And determined in the negative.

Mr. Stewart moved that said resolution be amended as follows:

Strike out all after the word "Resolved."

And the question being put,

It was decided in the negative.

The 33d resolution was read—and the following amendment proposed thereto by Mr. Scott:

After the word "presentment" in the 4th line insert the words "and be sufficient in law for such removal."

And the question being put,

It passed in the affirmative.

Mr. Trotter moved to amend said resolution as follows:

Strike out the words "suffered and" in the fifth line.

And the question being put,

It was decided in the affirmative.

Mr. Hurst moved to amend said resolution as follows:

After the word "that" in the first line, insert the words "Judges of the High Court of Errors and Appeals, Judges of the Circuit Courts in this State."

And the question being put,

It was determined in the negative.

The committee then, on motion of Mr. Farish, rose, and the President resumed the chair; when

Mr. Black reported that the committee of the whole had again had under consideration the report of the select committee, to whom was referred so much of the Constitution as relates to the Judicial Department of the Government; had made sundry amendments thereto, and had instructed him to report the same as amended.

On motion of Mr. Black,

Ordered that said report be received.

On motion of Mr. Farish,

Ordered that the same do lie on the table.

Mr. Quitman called for the consideration of the resolutions which were ordered to lie on the table, proposing to strike out the 6th section in the 5th article of the Constitution, and vesting equity jurisdiction in the Circuit Courts; and thereupon, the House proceeded to consider the same, when, on motion of Mr. Quitman,

It was ordered that they be committed to a committee of the whole House, and made the order of the day for to-morrow.

Mr. Trotter called for the consideration of the report of the select committee, to whom was referred so much of the Constitution as relates to the General Provisions of the Government.

And then the House adjourned.

Saturday, October 6, 1832.

The Convention met pursuant to adjournment—

When the following resolution was submitted by Mr. Trotter:

Whereas this Convention has already been in session longer than was expected by the *people*, and from the labors yet to be performed will likely yet be in session for a long while, to the great expense of the State; and whereas by quickening the progress of this body by greater exertions the business of the same may be speedily finished; therefore—

Resolved, That this Convention will meet at 7 o'clock, P. M. on *this* and *each* remaining day of the session.

On motion of Mr. Hurst,

It was ordered that said resolution lie on the table.

The Convention then, in pursuance to the order of the day, resolved itself into a committee of the whole on the resolution submitted by Mr. Hurst, proposing to strike out the 6th section in the 5th article of the Constitution, and vesting equity jurisdiction in the Circuit Courts; Mr. Falconer in the Chair.

The first resolution being read—

Mr. Quitman moved that the same be amended, as follows:

Strike out all after the word "Resolved," and insert the words, to wit:

"That there should be established in the Constitution a separate Superior Court of Equity, which should have the entire original jurisdiction in matters of equity, where the value of the thing or the amount in controversy exceeds five hundred dollars; and such other jurisdiction as may be vested in it by law."

A division of the question was called for by Mr. Trotter—

When it was taken on striking out,

And passed in the affirmative.

YEAS, 24—NAYS, 19.

The yeas and nays being demanded by two of the members present;

Those who voted in the affirmative are—

Messrs. Pray, (President,) Austin, Black, Dickson, Falconer, Floyd, Grayson, Greenleaf, Howard, Keegan, Knox, Lowe, Lynch, Magee, Morris, McRae, Pendleton, Pope, Quitman, Redd, Runnels, Scott, Seamon, Wright—24.

Those who voted in the negative are—

Messrs. Bacot, Cain, Duncan, Farish, Freeland, Granberry, Higgason, Hurst, Jefferson, Johnson, Jones, of Jones, Jones, of Pike, Kennedy, McLaughlin, McMillan, McNabb, Stewart, Trotter, Williams—19.

The question then recurred on the second proposition of said amendment; when

Mr. Trotter moved that the committee rise, report progress, and ask leave to sit again.

And the question being put,

It was decided in the negative.

A debate then arose—

When it was moved, by Mr. Kennedy, that the committee rise, report progress, and ask leave to sit again.

And the question being taken thereon,

It was determined in the negative.

The question was then taken on the second proposition of said amendment—

And passed in the affirmative.

YEAS, 24—NAYS, 19.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Austin, Black, Dickson, Falconer, Floyd, Grayson, Greenleaf, Howard, Keegan, Knox, Lowe, Lynch, Magee, Morris, McRae, Pope, Quitman, Redd, Runnels, Scott, Seamon, Stewart, Wright—24.

Those who voted in the negative are—

Messrs. Bacot, Cain, Duncan, Farish, Freeland, Granberry, Higgason, Hurst, Jefferson, Johnson, Jones, of Jones, Jones, of Pike, Kennedy, McLaughlin, McMillan, McNabb, Pendleton, Trotter, Williams—19.

The committee then, on motion of Mr. Pendleton, rose, and the President resumed the chair; when

Mr. Falconer reported that the committee of the whole had had under consideration the resolutions proposing to strike out the 6th section of the 5th article of the Constitution, and vesting equity jurisdiction in the Circuit Courts, had made an amendment thereto, and had instructed him to report the same as amended.

Mr. Falconer moved that the Convention do receive and agree to said report.

Mr. Kennedy called for a division of the question:

When it was taken on receiving—

And passed in the affirmative.

It was then moved by Mr. Kennedy, that said report lie on the table.

And the question being put,

It was decided in the negative.

The question was then taken on agreeing to said report—

And passed in the affirmative.

Then the House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment—

And, on motion of Mr. Stewart, proceeded *again*, in committee of the whole, to consider the resolutions proposing to strike out the 6th section of the 5th article of the Constitution, and vesting equity jurisdiction in the Circuit Courts; Mr. Falconer *again* in the Chair.

Mr. Stewart moved to amend the first of the said resolutions, by adding at the end thereof the words following, to wit:

"And the Judge or Judges of the said Court or Courts of Chancery shall be elected by the qualified electors of the State."

Mr. Quitman moved to amend said amendment as follows:

Insert after the word "by," the words "a majority of."

Mr. Stewart moved that there be a call of the House:

And the question being put,

It passed in the affirmative.

The roll of the members was then called by the Secretary:

When it was found that the following members answered to their names:

Messrs. Austin, Bacot, Black, Cain, Duncan, Falconer, Farish, Floyd, Freeland, Grayson, Higgason, Hurst, Jefferson, Johnson, Jones, of Jones, Keegan, Kennedy, Lowe, Magee, McLaughlin, McMillan, Morris, McNabb, McRae, Pendleton, Quitman, Scott, Seamon, Stewart, Williams, Wright.

On motion of Mr. Stewart,

It was ordered that the absent members be sent for.

The question was then taken on the amendment proposed by Mr. Quitman to Mr. Stewart's amendment—

And determined in the negative.

YEAS 13—NAYS 23.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Black, Duncan, Falconer, Farish, Freeland, Grayson, Greenleaf, Jefferson, Morris, McRae, Quitman, Seamon, Williams—13.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Cain, Floyd, Higgason, Hurst, Johnson, Jones, of Jones, Keegan, Kennedy, Lowe, Lynch, Magee, McLaughlin, McMillan, McNabb, Pendleton, Pope, Runnels, Scott, Stewart, Wright—23.

Mr. Quitman moved the following as an amendment to the amendment proposed by Mr. Stewart:

Which was acceded to by Mr. Stewart.

Strike out "Judge or Judges of said court or courts of Chancery," and insert the word Chancellor."

The question was then taken on the amendment proposed by Mr. Stewart,

And passed in the affirmative.

Yeas, 27—Nays, 14,

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Austin, Bacot, Cain, Dickson, Farish, Floyd, Greenleaf, Higgason, Hurst, Jefferson, Johnson, Jones of Jones, Kennedy, Knox, Lowe, Magee, McLaughlin, McMillan, McNabb, Pendleton, Pope, Redd, Runnels, Scott, Stewart, Wright—27.

Those who voted in the negative are—

Messrs. Black, Duncan, Falconer, Freeland, Grayson, Howard, Keegan, Lynch, Morris, McRae, Quitman, Seamon, Trotter, Williams—14.

Mr. Black moved that the committee rise, report progress, and ask leave to sit again.

And the question being put,

It was determined in the negative.

Mr. Keegan moved to amend the said first resolution by adding at the end thereof, the words following, to wit:

"For the term of six years."

Mr. Stewart moved to amend said amendment as follows:

Strike out the word "six," and insert the word "four,"

And the question being put,

It passed in the affirmative.

Mr. Wright moved a reconsideration of the vote taken on said amendment,

And the question being taken thereon,

It was decided in the affirmative.

The question then recurred *again* on the adoption of said amendment,

And a division of the question being called for,

It was taken on striking out,

And determined in the negative.

Yeas 20—Nays 21.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Bacot, Cain, Farish, Floyd, Freeland, Higgason, Hurst, Johnson, Jones of Jones, Kennedy, Magee, McLaughlin, McMillan, Morris, McNabb, McRae, Pendleton, Redd, Stewart—20.

Those who voted in the negative are—

Messrs. Austin, Black, Dickson, Duncan, Falconer, Grayson, Greenleaf, Howard, Jefferson, Keegan, Knox, Lowe, Lynch, Pope, Quitman, Runnels, Scott, Seamon, Trotter, Williams, Wright—21.

The question was then taken on the amendment proposed by Mr. Keegan,

And passed in the affirmative.

Mr. Quitman moved to amend the second of the said resolution as follows:

Strike out all after the word "Resolved,"

And the question being put,

It passed in the affirmative.

The committee then, on motion of Mr. Black, rose, and the President resumed the chair; when

Mr. Falconer reported that the committee of the whole had *again* had under consideration the resolutions proposing to strike out the 6th section in the 5th article of the Constitution, and vesting equity jurisdiction in the Circuit courts, had made sundry amendments thereto, and had instructed him to report the same as amended.

Mr. Falconer moved, that said report be received and agreed to.

Mr. Black demanded a division of the question,

And it being taken on receiving said report,

It passed in the affirmative.

The question was then taken on agreeing to said report,

And determined in the negative.

Yeas 17—Nays 24.

The yeas and nays being desired by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Austin, Floyd, Grayson, Greenleaf, Howard, Keegan, Knox, Lowe, Lynch, Magee, McMillan, Pope, Quitman, Redd, Runnels, Scott—17.

Those who voted in the negative are—

Messrs. Bacot, Black, Cain, Duncan. Falconer, Farish, Freeland, Granberry, Higgason, Hurst, Jefferson, Johnson, Jones of Jones, Kennedy, McLaughlin, Morris, McNabb, McRae, Pendleton, Seamon, Stewart, Trotter, Williams, Wright—24.

On motion of Mr. Howard,

It was ordered that Mr. Scott be excused from farther attendance on the Convention until Thursdays next.

Mr. Black submitted the following resolution:

Resolved, That it is expedient that provision be made in the Constitution requiring that the Legislature shall establish as many Superior courts of Chancery as may be deemed necessary, with such jurisdiction as may be fixed by law; giving to the Legislature power to create the office of Chancellor, and requiring that until such office be established the Judges of the High court of Errors and Apppeals shall hold such Superior court of Chancery, in such manner as may be prescribed by law.

On motion of Mr. Redd,

It was ordered that said resolution lie on the table.

Mr. Black then notified the Convention that he would on Monday next, call for the consideration of said resolution.

The Convention then, on motion of Mr. Quitman, proceeded again in committee of the whole to consider the report of the select committee to whom was referred so much of the Constitution as relates to the General Provisions of the Government, Mr. Duncan in the chair—

And the question being taken on the amendment proposed by Mr. Trotter, to the 1st resolution of said report,

It was determined in the negative.

Yeas 15—Nays 24.

The yeas and nays being desired by two of the members present:

Those who voted in the affirmative are—

Messrs. Bacot, Black, Floyd, Grayson, Howard, Knox, Magee, McLaughlin, McMillan, Morris, McRae, Popè, Quitman, Redd, Trotter—15.

Those who voted in the negative are—

Messrs Pray, (President,) Austin. Cain, Duncan, Falconer, Farish, Freeland, Granberry, Greenleaf, Higgason, Hurst, Jefferson, Johnson, Jones of Jones, Keegan, Kennedy, Lowe, Lynch, McNabb, Pendleton, Runnels, Scott, Williams, Wright—24.

It was then moved by Mr. Black, that the committee rise, report progress, and ask leave to sit again,

And the question being put,

It was determined in the negative.

The second resolution of the report of the said select committee was read, and the following amendment proposed thereto, by Mr. Pendleton:

Strike out after the word "year," in the 4th line to the word "and," in the 6th line,

And the question being put,

It was determined in the negative.

It was then moved by Mr. Black, that the Convention do reconsider its vote taken on said amendment.

And thereupon,

A motion was made by Mr. Howard, that there be a call of the House.

And the question being put,

It was decided in the negative.

The question was then taken, on the motion made by Mr. Black, to reconsider the vote taken on said amendment,

And passed in the affirmative.

The vote was then *again* taken on the adoption of said amendment, and determined in the negative.

YEAS 17—NAYS 24.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Austin, Floyd, Granberry, Higgason, Howard, Jones of Pike, Keegan, Kennedy, Knox, Lynch, McLaughlin, Pendleton, Runnels, Scott, Trotter, Wright—17.

Those who voted in the negative are—

Messrs. Bacot, Black, Cain, Duncan, Falconer, Farish, Freeland, Grayson, Greenleaf, Hurst, Jefferson, Johnson, Jones of Jones, Lowe, Magee, McMillan, Morris, McNabb, McRae, Pope, Quitman, Redd, Stewart, Williams—24.

The committee, then on motion of Mr. Williams, rose, and the President resumed the chair; when

Mr. Duncan reported, that the committee of the whole had again had under consideration the report of the select committee, to whom was referred so much of the Constitution as relates to the General Provisions of the Government, and had made some progress therein, but not having time to go through the whole of the business, had instructed him to report progress, and ask leave to sit again.

On motion of Mr. Duncan,

Ordered that said report be received and agreed to.

It was then moved, by Mr. Farish, that the Convention do now adjourn to meet at Clinton on Monday morning, at 9 o'clock, A. M.

Mr. Granberry moved a call of the House.

And the question being put,

It was determined in the negative.

The Convention then, on motion of Mr. Morris, adjourned.

Monday, October 8, 1832.

The Convention met pursuant to adjournment—

And on motion of Mr. Hurst,

Proceeded to consider the resolution in relation to an adjournment of the House to meet at half past 7 o'clock P. M.

Mr. Morris moved, that the same be amended as follows, which was acceded to, by Mr. Trotter:

Strike out the preamble of said resolution.

The question was taken on the adoption of said resolution,

And passed in the affirmative.

Mr. Grayson submitted the following resolution:

Resolved, That the following provision should be inserted in the *schedule* to be annexed to the Constitution: No member of this Convention, shall for two years after the adoption of this Constitution, be eligible to any office, to which a definite and certain salary or the *minimum* of a salary is affixed in the Constitution.

On motion of Mr. Redd,

It was ordered that said resolution lie on the table.

On motion of Mr. Duncan,

The Convention proceeded *again*, in committee of the whole to consider the report of the select committee to whom was referred so much of the Constitution as relates to the General Provisions of the Government, Mr. Duncan in the chair—

When it was moved by Mr. Quitman, that the 2nd resolution of said report be amended as follows:

Strike out the word "*biennially,*" and insert in lieu thereof, the word "*annually,*"

And the question being put,

It passed in the affirmative.

The third resolution being read,

Mr. McNabb moved, that the same be amended as follows:

Strike out the whole of said resolution from the word "Resolved,"

And the question being put,

It was determined in the negative.

The 4th and 5th resolutions were read, and there being no amendments proposed, the 6th resolution was read, when the following amendment was proposed thereto, by Mr. Williams:

Strike out the words "Circuit court," in the 4th line, and insert in lieu thereof, the word "Chancery,"

And the question being put,

It passed in the affirmative.

The 7th resolution was read, and the following amendment proposed thereto, by Mr. Williams:

Strike out all after the word "Resolved."

Mr. Black moved to amend said resolution as follows:

Strike out after the word "rents." and insert the words "or by making such disposition thereof, as may comport with the object of such grant,"

And the question being put,

It passed in the affirmative.

The question was then taken on the amendment proposed by Mr. Williams,

And determined in the negative.

The 8th resolution was read, and the following amendment proposed thereto, by Mr. McNabb:

Strike out all after the word "Resolved."

Mr. Black moved, to amend the said resolution by filling the first blank therein, with the word "first,"

And the question being put,

It passed in the affirmative.

It was then moved, by Mr. Black, further to amend the said resolution, by filling the second blank therein, with the word "May."

Mr. Trotter moved that it be filled with the word "November,"

And the question being put,

It was determined in the negative.

The question was then taken on Mr. Black's motion to fill the said blank with the word "May,"

And passed in the affirmative.

Mr. Hurst moved further to amend the said resolution by filling the 3rd blank therein, with the integral numbers "33."

Mr. Kennedy moved, that it be filled with "99,"

And the question being put,

It was determined in the negative.

Mr. Higgason moved that it be filled with "50,"

And the question being taken thereon,

It was decided in the negative.

It was then moved, by Mr. Greenleaf, that the said blank be filled with "35,"

And the question being taken thereon,

It was determined in the negative.

The question was then taken, on the motion made by Mr. Hurst to fill the said blank with "33,"

And passed in the affirmative.

Mr. Kennedy moved further to amend said resolution by striking out in the 6th line, the words "as merchandize,"

And the question being put,

It was determined in the negative.

It was then moved, by Mr. Hurst, that the committee rise, report progress, and ask leave to sit again,

And the question being taken thereon,

It was determined in the negative.

A debate then arose—

When the previous question was called for by Mr. Johnson, and being demanded by one third of the members present, the said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the amendment be adopted?

And determined in the negative.

YEAS 17—NAYS 26.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Austin, Floyd, Granberry, Higgason, Howard, Keegan, Kennedy, Lynch, McNabb, McRae, Pope, Rose, Runnels, Stewart, Trotter, Wright—17.

Those who voted in the negative are—

Messrs. Bacot, Black, Cain, Dickson, Duncan, Falconer, Farish, Freeland, Grayson, Greenleaf, Hurst, Jefferson, Johnson, Jones of Jones, Jones of Pike, Knox, Lowe, Magee, McLaughlin, McMillan, Morris, Pendleton, Quitman, Redd, Seamon, Williams—26.

The committee then, on motion of Mr. Kennedy, rose, and the President resumed the chair; when Mr. Duncan reported that the committee of the whole had again had under consideration the report of the select committee, to whom was referred so much of the Constitution as relates to the General Provisions of the Government, and had made some progress therein, but not having time to go through the whole of the business, had instructed him to report progress and ask leave to sit again.

Mr. Duncan moved that said report be received and agreed to.

A division of the question being called for by Mr. Stewart;

It was taken first on receiving said report,

And passed in the affirmative.

It was then taken on agreeing to said report,

And passed in the affirmative.

Then the House adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment—

And, on motion of Mr. Johnson, *again* proceeded to consider the report of the select committee, to whom was referred so much of the Constitution as relates to the General Provisions of the Government—Mr. Johnson in the chair.

It was then moved by Mr. Howard, further to amend the 8th resolution of said report, by adding at the end thereof the words following, to wit:

"But no law shall be passed before the year 1850, to prevent any citizen of this State from purchasing slaves in another State, and bringing them into this State for his own individual use."

Mr. Grayson moved to amend said resolution as follows, (which was acceded to by Mr. Howard.)

After the word "shall" insert the word "ever" and strike out the words "before the year 1850."

The question was then taken on the amendment proposed by Mr. Howard as amended,

And passed in the affirmative.

YEAS 22—NAYS 21.

The yeas and nays being demanded by two of the members present;

Those who voted in the affirmative are—

Messrs. Pray, (president) Austin, Floyd, Granberry, Grayson, Higgason, Howard, Keegan, Kennedy, Lowe, Lynch, Magee, McNabb, McRae, Pendleton, Pope, Redd, Rose, Runnels, Stewart, Trotter, Wright—22.

Those who voted in the negative are—

Messrs. Bacot, Black, Cain, Dickson, Duncan, Falconer, Farish, Freeland, Greenleaf, Hurst, Jefferson, Johnson, Jones of Jones, Jones of Pike, Knox, McLaughlin, McMillan, Morris, Quitman, Seamon, Williams—21.

Mr. Duncan moved a re-consideration of the vote taken on the amendment proposed by Mr. McNabb, to the 8th resolution of the report of the select committee, to whom was referred so much of the Constitution as relates to the General Provisions of the Government.

And the question being put,

It passed in the affirmative.

It was then moved, by Mr. Morris, that the said vote taken on the said motion to reconsider, be reconsidered; which motion was pronounced by the chairman of the committee, to be out of order.

The question was then taken on the re-adoption of the said amendment, and determined in the negative.

YEAS 20—NAYS 24.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Bacot, Black, Cain, Dickson, Duncan, Falconer, Farish, Freeland, Grayson, Greenleaf, Hurst, Jefferson, Jones of Jones, Jones of Pike, Knox, McLaughlin, McMillan, Morris, Seamon, Williams—20.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Floyd, Granberry, Hicks, Higgason, Howard, Johnson, Keegan, Kennedy, Lowe, Lynch, Magee, McNabb, McRae, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Stewart, Trotter, Wright—24.

Mr. Grayson moved a re-consideration of the vote taken on the amendment proposed by Mr. Howard, to the amendment proposed by Mr. McNabb, to the 8th resolution of the report of the select committee, to whom was referred so much of the Constitution as relates to the General Provisions of the Government.

Mr. Stewart moved a call of the House.

And the question being taken thereon,

It was determined in the negative.

The question was then taken on the motion to reconsider the said vote,

And passed in the affirmative.

YEAS, 23—NAYS, 19.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Bacot, Black, Cain, Dickson, Duncan, Falconer, Farish, Freeland, Grayson, Greenleaf, Hurst, Jefferson, Johnson, Jones of Jones, Jones of Pike, Knox, McLaughlin, McMillan, Morris, Quitman, Seamon, Williams, Wright—23.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Floyd, Granberry, Higgason, Howard, Keegan, Lowe, Lynch, Magee, McNabb, McRae, Pendleton, Pope, Redd, Rose, Runnels, Stewart, Trotter—19.

It was then moved by Mr. Stewart, that the committee rise, report progress, and ask leave to sit again.

And the question being taken thereon,

It was decided in the negative.

A motion was then made, by Mr. Runnels, that there be a call of the House.

And the question being put,

It was determined in the negative.

A motion that the committee rise, report progress and ask leave to sit again, was made by Mr. McRae,

And decided in the negative.

The question was then taken on the re-adoption of Mr. Howard's amendment, and determined in the negative.

YEAS 22—NAYS 22.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Austin, Floyd, Granberry, Hicks, Higgason, Howard, Keegan, Kennedy, Lowe, Lynch, Magee, McNabb, McRae, Pendleton, Pope, Redd, Rose, Runnels, Stewart, Trotter, Wright—22.

Those who voted in the negative are—

Messrs. Bacot, Black, Cain, Dickson, Duncan, Falconer, Farish, Freeland, Grayson, Greenleaf, Hurst, Jefferson, Johnson, Jones of Jones, Jones of Pike, Knox, McLaughlin, McMillan, Morris, Quitman, Seamon, Williams—22.

The committee then, on motion of Mr. Farish, rose, and the President resumed the Chair; when

Mr. Johnson reported, that the committee of the whole had *again* had the report of the select committee to whom was referred so much of the Constitution, as relates to the General Provisions of the Government, under consideration, and had made some progress therein, but not having time to go through the whole of the business, had instructed him to report progress and ask leave to sit again.

Mr. Johnson moved that said report be received and agreed to.

A division of the question being called for by Mr. Jones, of Pike—

It was taken first on receiving said report,

And passed in the affirmative.

It was then taken on agreeing to said report,

And decided in the affirmative.

The following resolution was submitted by Mr. Howard:

Whereas the 35th rule of this Convention, which authorizes the call of the previous question in committee of the whole, is contrary to the usage and custom of all free deliberative assemblies from time *immemorial*, both in foreign countries and in the various States of this Union—and is in its nature calculated to trammel and curtail the freedom of debate, and the fair discussion of principle—*Therefore resolved*, that said 35th rule be repealed.

Then the House adjourned till half past 7 o'clock, P. M.

HALF-PAST SEVEN O'CLOCK, P. M.

The Convention met pursuant to adjournment—

When it was ordered, on motion of Mr. Dickson, that Mr. Freeland be excused from further attendance on the House until Monday next.

Then the House adjourned.

Tuesday, October 9, 1832.

The Convention met pursuant to adjournment.

Mr. Howard moved the adoption of the following resolution:

Resolved, That the subject of slaves, which is contained in the 1st and 2d articles of the miscellaneous provisions of the Constitution, ought to be classed in a *separate article* in the amended Constitution: And that the same, together with the 8th resolution of the report of the committee on General Provisions, be referred to a select committee of members, whose duty it shall be to report a suitable article on this subject to this Convention as early as they conveniently can.

Mr. Stewart moved that said resolution be indefinitely postponed;

And the question being put,

It passed in the affirmative.

Mr. Hurst submitted the following resolution:

Which was ordered to lie on the table.

Resolved, That the powers of the several courts of this State to issue attachments, and inflict summary punishments for contempts of court, shall not be construed to extend to any cases except the misbehaviour of any person or persons in the presence of said courts, or so near thereto as to obstruct the administration of justice, the misbehaviour of any of the officers of the said courts in their official transactions, and the disobedience or resistance by any officer of the said courts, party, juror, witness, or any other person or persons, to any lawful writ, process, order, rule, decree, or command of the said courts.

On motion of Mr. Farish,

It was ordered that Mr. Duncan, a member from the county of Adams, be excused from further attendance on the Convention until Thursday, the 18th inst,

The resolution proposing to rescind so much of the 35th rule adopted for the government of this Convention as relates to the call of the previous question in committee of the whole, was in order for a second reading—

When it was moved by Mr. Howard that said resolution lie on the table—

And the question being put,

It was determined in the negative.

It was then moved by Mr. Higgason that said resolution be indefinitely postponed—

When a debate arose—

And the previous question was called for by Mr. Johnson:

And being demanded by one third of the members present,

The said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the resolution be indefinitely postponed?

And determined in the affirmative.

On motion of Mr. Trotter,

The Convention resumed, in committee of the whole, the consideration of the report of the select committee to whom was referred so much of the Constitution as relates to the General Provisions of the Government; Mr. Grayson in the Chair.

Mr. Pendleton moved that the 8th resolution of the report of said committee be amended as follows:

Strike out the word "shall," in the fifth line, and insert in lieu thereof the word "may."

A division of the question being called for, by Mr. Stewart,

It was taken on striking out,

And determined in the negative.

The 9th resolution of said report was read, and the following amendment proposed thereto by Mr. Greenleaf.

Strike out the words "two thirds of each branch of" in the third line, and the words two thirds of" in the fifth line: And strike out the words "six months" in the 6th line, and insert in lieu thereof the words "thirty days."

Mr. Farish called for a division of the several propositions:

When it was taken on striking out the words "two thirds of each branch of" in the third line, and the words "two thirds of" in the 5th line—

And determined in the negative.

It was then taken on striking out the words "six months" in the 6th line—

And decided in the negative.

It was then moved by Mr. Wright, to amend said resolution as follows:

Strike out the word "six," in the 6th line, and insert in lieu thereof the word "four."

A division of the question being called for—

It was taken on striking out,

And determined in the negative.

Mr. Quitman moved that said resolution be amended as follows:

Strike out all after the words "resolved"—

Mr. Keegan moved the following as an amendment to said resolution:

Strike out the words "alteration or amendment," in the 4th line, and insert after the word "change" in the third line, the words "in the mode of electing judges and other officers, or in biennial sessions of the Legislature."

Mr. Quitman moved to amend said amendment as follows:

Which was acceded to by Mr. Keegan.

Insert after the word "officers" the words "and in the term of service of the judges and of members of the Legislature."

It was then moved by Mr. Hurst to amend the said amendment as follows:

Strike out the words "judges or other officers"—

And the question being put,

It passed in the affirmative.

Mr. Pendleton moved that the said amendment be further amended by adding at the end thereof the words, to wit:

"Also appropriations of money for internal improvement, borrowing money on the faith of the State, and the prohibiting the introduction of slaves into this state as merchandize."

And the question being put,

It was determined in the negative.

The question was then taken on the said amendment as amended—

And determined in the negative.

YEAS 8—NAYS 34.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Black, Falconer, Grayson, Keegan, Lynch, Morris, McRae, Quitman—8.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Cain, Dickson, Farish, Floyd, Granberry, Greenleaf, Hicks, Higgason, Howard, Hurst, Jefferson, Johnson, Jones of Jones, Jones of Pike, Kennedy, Knox, Lowe, Magee, McLaughlin, McMillan, McNabb, Pendleton, Pope, Redd, Rose, Runnels, Seamon, Stewart, Trotter, Williams, Wright—34.

The question was then taken on the amendment proposed by Mr. Quitman to the said ninth resolution—

And was determined in the negative.

Yeas 12—Nays 30.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Black, Falconer, Grayson, Jefferson, Jones of Jones, Keegan, Kennedy, Lynch, Morris, Quitman, Seamon—12.

Those who voted in the negative are—

Messrs. Austin, Bacot, Cain, Dickson, Farish, Floyd, Granberry, Greenleaf, Hicks, Higgason, Howard, Hurst, Johnson, Jones of Pike, Knox, Lowe, Magee, McLaughlin, McMillan, McNabb, McRae, Pendleton, Pope, Redd, Rose, Runnels, Stewart, Trotter, Williams Wright—30

The 10th resolution was read, and the following amendment proposed thereto by Mr. Williams:

Strike out all after the word "Resolved," and insert the words, to wit:

"All rights vested, and all liabilities incurred, shall remain the same as though this Constitution had not been adopted."

A division of the question being called for—

It was first taken on striking out,

And passed in the affirmative.

It was then taken, on inserting,

And passed in the affirmative.

The 11th resolution being read, and there being no amendment proposed, the 12th resolution was read; when it was moved by Mr. Williams, that the same be amended as follows:

Strike out all after the word "Resolved,"

And the question being taken thereon,

It was determined in the negative.

It was then moved, by Mr. Quitman, that the said resolution be amended as follows:

Strike out the whole of said resolution to the word "all," in the 3rd line,

And the question being put,

It passed in the affirmative.

The committee then, on motion of Mr. Keegan rose—and the President resumed the chair; when

Mr. Grayson reported that the committee of the whole had *again* had under consideration the report of the select committee to whom was referred so much of the Constitution as relates to the General Provisions of the Government, and had made some progress therein, but not having time to go through the whole of the business, had instructed him to report progress, and ask leave to sit again.

On motion of Mr. Grayson,

It was ordered that said report be received and agreed to,

And then the House adjourned 'till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment—

And on motion of Mr. Dickson,

Resumed in committee of the whole the consideration of the report of the select committee to whom was referred so much of the Constitution as relates to the General Provisions of the Government, Mr. Jefferson in the Chair.

It was then moved, by Mr. Williams, that the 12th resolution of the said report be amended as follows:

Strike out the words "commenced in or," in the 5th line,

And the question being put,

It passed in the affirmative.

The 13th resolution being read,

Mr. Trotter moved, that the same be amended by adding at the end thereof, the words following, to wit:

"And until their successors be duly qualified."

And the question being taken thereon,

It was decided in the affirmative.

The 14th resolution was read—

And the following amendment proposed thereto by Mr. Hurst:

Insert after the word "State" in the second line, the words "and not in violation of this Constitution."

And the question being put,

It was determined in the negative.

The 15th resolution being read—

Mr. Wright moved to amend the same as follows:

Strike out the whole of said resolution from the word "resolved."

And the question being taken thereon,

It was determined in the negative.

Yeas 12—Nays 28.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Austin, Dickson, Floyd, Hicks, Higgason, Howard, Morris, McNabb, Pope, Runnels, Trotter, Wright—12.

Those who voted in the negative are—

Messrs. Pray, (President,) Bacot, Black, Cain, Falconer, Farish Granberry, Grayson, Greenleaf, Hurst, Jefferson, Johnson, Jones of Jones, Jones of Pike, Keegan, Kennedy, Knox, Lowe, Lynch, McLaughlin, McMillan, McRae, Quitman, Redd, Rose, Seamon, Stewart, Williams—28.

The 16th resolution being read—

The following amendment thereto was proposed by Mr. Black:

Strike out the words "President of this Convention" and insert the words "the Governor of this State."

Pending the question on said amendment, it was moved by Mr. Redd, that there be a call of the House.

And the question being put,

It passed in the affirmative.

The roll of the members was then called by the Secretary, when it was found that the following named members answered to their names:

Messrs. Austin, Bacot, Black, Cain, Dickson, Falconer, Farish, Floyd, Granberry, Greenleaf, Grayson, Hicks, Higgason, Howard, Hurst, Jefferson, Johnson, Jones of Jones, Jones of Pike, Keegan, Kennedy, Knox, Lowe, Lynch, McLaughlin, McMillan, Morris, McNabb, McRae, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Seamon, Stewart, Trotter, Williams, Wright—40.

On motion of Mr. Hurst,

The Sergeant-at-Arms was sent for the absent member, who appeared and took his seat in the hall.

The question was then taken, on Mr. Black's amendment, to strike out the words "President of this Convention" in the 16th resolution of the report of the select committee on the General Provisions of the Constitution, and insert in lieu thereof the words "the Governor of the State," and determined in the negative.

Mr. Keegan moved that the said 16th resolution be amended as follows;

Insert after the word "held" in the third line, the words "on the first Monday and day following in December next."

And the question being put,

It passed in the affirmative.

A motion was then made, by Mr. Johnson, that the committee rise and report the resolutions reported by the select committee on the General Provisions of the Constitution, as amended.

And the question being put,

It was determined in the negative.

It was then moved, by Mr. Trotter, further to amend the said 16th resolution of said report, as follows:

Fill the first blank in the 9th line, with the word "first," and the second blank in the same line, with the word "January," and the last blank with the integral numbers "33,"

And the question being put,

It passed in the affirmative.

Mr. Trotter moved, further to amend said resolution as follows:

Strike out in the 8th line, the words "the members of the Legislature thus elected,"

And the question being put,

It passed in the affirmative.

The 17th, 18th, 19th and 20th resolutions of the said report were read, and there being no amendments proposed;

The committee on motion of Mr. Johnson, rose—and the President resumed the chair; when

Mr. Jefferson reported that the committee of the whole had *again* had under consideration the report of the select committee to whom was referred so much of the Constitution as relates to the General Provisions of the Government, had made sundry amendments thereto, and had instructed him to report the same as amended; and

Thereupon,

It was ordered that said report be received, and that the same do lie on the table.

Mr. Redd submitted the following resolution:

Resolved, That the Printer to this Convention furnish fifty extra copies of the Journals of the proceedings of the same, as soon as they shall have been printed for the use of the members thereof, during the remainder of the session.

Mr. Quitman moved to amend said resolution as follows, which was acceded to by Mr. Redd:

Strike out the word "they," in the second line, and insert the words "portions thereof."

Mr. Keegan moved, that said resolution be further amended as follows, which was also acceded to, by Mr. Redd:

Strike out the word "extra."

It was then moved by Mr. Johnson, that said resolution be adopted,

And the question being put,

It passed in the affirmative.

Mr. Morris moved, that the vote taken on yesterday on the resolution submitted by Mr. Trotter, requiring the Convention to meet on that, and each remaining day of the session, at 7 o'clock, P. M. be reconsidered,

And the question being taken thereon,

It passed in the affirmative.

It was then ordered on motion of Mr. Howard, that said resolution be indefinitely postponed.

On motion of Mr. Williams,

The Convention proceeded in committee of the whole to consider the resolution submitted by him, proposing an additional section to the General Provisions, Mr. Keegan in the chair.

Said resolution was read, and the following amendment proposed thereto:

After the word "that," in the first line, insert "immediately after the passage of any law of a general nature, the Legislature shall cause the same to be published in some newspaper printed in this State, and no such law shall take effect, without a special provision to the contrary, until days after its passage."

Mr. Morris move that the said amendment be so modified as to read thus: "No law of a general nature, unless otherwise provided for, shall be in force until thirty days after the rising of the Legislature in which the same was passed."

Said modification having been accepted by Mr. Williams,

The question was taken on the adoption of the amendment,

And passed in the affirmative.

The committee then, on motion of Mr. Williams, rose, and the President resumed the chair; when

Mr. Keegan reported that the committee of the whole had had the resolution submitted by Mr. Williams, proposing an additional section to the General Provisions under consideration, had made an amendment thereto, and had instructed him to report the same as amended.

On motion of Keegan,

It was ordered that said report be received and agreed to.

On motion of Mr. Black,

The Convention proceeded to consider the resolution introduced by him, and ordered to lie on the table, in relation to courts of Chancery, and the appointing a Chancellor.

Mr. Stewart moved that said resolution be indefinitely postponed.

Mr. Hurst moved that the same do lie on the table,

And the question being put,

It passed in the affirmative.

Mr. Keegan moved, that the vote taken on agreeing to the report of the committee of the whole on the resolution introduced by Mr. Williams, proposing an additional section to the General Provisions, be reconsidered,

And the question being put,

It passed in the affirmative.

It was then ordered on motion of Mr. Keegan, that said report lie on the table.

On motion of Mr. Bacot,

The Convention proceeded to consider the resolution introduced by him, proposing to add to the General Provisions of the Constitution, that when the Legislature shall grant leave of absence to any officer receiving a salary from the State, the same shall not be received by such officer during the time he may be absent.

Mr. Hurst moved, that said resolution be indefinitely postponed,

And the question being put,

It was determined in the negative.

The Convention then, on motion of Mr. Black, resolved itself into a committee of the whole on said resolution, Mr. Farish in the chair, and after some time spent therein, the committee rose, and the President resumed the chair; when

Mr. Farish reported that the committee of the whole had had said resolution under consideration, and had instructed him to report the same without amendment.

On motion of Mr. Farish,

It was ordered that said report be received.

Mr. Bacot moved, that the Convention do agree to said report.

Mr. Keegan moved, that the same do lie on the table,

And the question being put,

It was determined in the negative.

The question was then taken on the motion to agree to said report,

And determined in the negative.

It was then moved by Mr. Stewart, that it lie on the table,

And the question being taken thereon,

It was decided in the negative.

It was then ordered on motion of Mr. Farish, that the said report be indefinitely postponed.

On motion of Mr. Hurst,

The Convention proceeded in committee of the whole to consider the resolution introduced by Mr. Grayson, proposing to insert in the schedule to be annexed to the Constitution, that no member of this Convention shall for two years after the adoption of the constitution be eligible to any office to which a definite and certain salary, or the *minimum* of a salary is fixed in the Constitution, Mr. Black in the chair.

Mr. Stewart moved to amend said resolution as follows:

Strike out all after the word "resolved," pending the question on said amendment.

It was moved by Mr. McNabb, that the committee rise, report progress, and ask leave to sit again,

And the question being put,

It was determined in the negative.

The question was then taken on Mr. Stewart's amendment,

And passed in the affirmative.

YEAS 30—NAYS 11.

The yeas and nays being demanded by two of the members present;

Those who voted in the affirmative are—

Messrs. Pray, (President,) Austin, Bacot, Cain, Dickson, Farish, Floyd, Granberry, Hicks, Higgason, Jefferson, Jones of Jones, Jones of Pike, Keegan, Kennedy, Knox, Lynch, Magee, McLaughlin, McMillan, McNabb, Pope, Redd, Rose, Runnels, Seamon, Stewart, Trotter, Williams, Wright—30.

Those who voted in the negative are—

Messrs. Black, Falconer, Grayson, Greenleaf, Hurst, Johnson, Lowe, Morris, McRae, Pendleton, Quitman—11.

The committee then, on motion of Mr. Stewart, rose, and the President resumed the chair; when

Mr. Black reported that the committee of the whole had had the resolution introduced by Mr. Grayson, proposing to insert in the schedule to be annexed to the Constitution, that no member of this Convention shall for two years after the adoption of the Constitution be eligible to any office to which a definite and certain salary, or the *minimum* of a salary is fixed in the Constitution, under consideration, had made an amendment thereto, and had instructed him to report the same as amended.

Mr. Morris moved that said report be received and agreed to.

A division of the question being called for,

It was taken first on receiving said report,

And passed in the affirmative.

It was then taken on agreeing to said report,

And passed in the affirmative.

It was then ordered on motion of Mr. Knox, that said report be indefinitely postponed.

Then the House adjourned.

Wednesday, October 10, 1832.

The Convention met pursuant to adjournment—

When the following resolution was submitted by Mr. Greenleaf:

Resolved, that so much of the Constitution as relates to the Legislative Department, and to which no amendments were proposed by the select committee to whom the same was referred, be forthwith referred to a committee of the whole House.

On motion of Mr. Runnels,

It was ordered that said resolution lie on the table.

On motion of Mr. Runnels,

The Convention proceeded to consider the resolution submitted by him, and ordered to lie on the table, proposing an amendment to the 10th section of the third article of the Constitution.

Mr. Hurst moved that the Convention forthwith resolve itself into a committee of the whole on said resolution.

Mr. Stewart moved that said resolution be indefinitely postponed.

It was then moved, by Mr. Farish, that said resolution lie on the table.

And the question being put,

It passed in the affirmative.

On motion of Mr. Howard,

The Convention proceeded, in committee of the whole, to consider the resolution submitted by him and ordered to lie on the table, proposing to abolish the tax on law process—Mr. Morris in the chair; and after some time spent therein, the President resumed the chair, and Mr. Morris reported that the committee of the whole had had said resolution under consideration, and had instructed him to report the same without amendment.

Mr. Howard moved that said report be received and agreed to.

A division of the question being called for, it was taken on receiving said report;

And passed in the affirmative.

It was then moved, by Mr. Keegan, that the same do lie on the table.

And the question being taken thereon,

It was determined in the negative.

The question then recurring on the motion to agree to said report,

The Convention, on motion of Mr. Hurst, proceeded *again*, in committee of the whole, to consider the said resolution; Mr. Morris *again* in the chair.

A motion was then made, by Mr. Trotter, that the same be amended as follows:

Strike out all after the word "resolved."

Mr. Quitman moved that the said resolution be amended as follows, which was acceded to by Mr. Howard.

Strike out after the word "State," and insert after the word "process" "except for the purpose of defraying the expenses thereof."

The question was then taken on the amendment proposed by Mr. Trotter, and passed in the affirmative.

YEAS, 25—NAYS, 16.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Austin, Black, Cain, Dickson, Falconer, Farish, Floyd, Granberry, Grayson, Greenleaf, Jefferson, Johnson, Keegan, Lynch, Magee, McLaughlin, McMillan, McNabb, Pendleton, Pope, Scott, Seamon, Trotter, Williams—25.

Those who voted in the negative are—

Messrs. Bacot, Hicks, Higgason, Howard, Hurst, Jones of Pike, Kennedy, Knox, Lowe, Morris, Quitman, Redd, Rose, Runnels, Stewart, Wright—16.

The committee, then on motion of Mr. Trotter, rose, and the President resumed the chair; when Mr. Morris reported that the committee of the whole had again had under consideration, the resolution proposing to abolish the tax on law process, had made an amendment thereto, and had instructed him to report the same as amended.

On motion of Mr. Morris,

It was ordered that said report be received and agreed to.

Mr. Trotter moved that said report be indefinitely postponed.

Mr. Hurst moved that the same lie on the table.

And the question being taken thereon,

It was decided in the negative.

The question was then taken, on the motion for an indefinite postponement of said report,

And passed in the affirmative.

On motion of Mr. Quitman,

The Convention proceeded to consider the amendments made in committee of the whole to the report of the select committee, to whom was referred so much of the Constitution as relates to the General Provisions of the Government—when a motion was made, by Mr. Hurst, that the same do lie on the table.

And the question being taken thereon,

It was decided in the negative.

The amendments to the second, sixth and seventh resolutions of the report of the said select committee were then read, and agreed to.

The first and second amendments to the 8th resolution of the said report were read and agreed to.

The third amendment to the said 8th resolution being read, Mr. Howard moved the following amendment thereto.

Add after the words integral numbers "33" at the end of said amendment, the words to wit: "that no law shall be passed before the year 1845 which shall prohibit any citizen of Mississippi from purchasing slaves in another State, and bringing them into this State for his own individual use."

And after debate,

The previous question was called for by Mr. Farish, and being demanded by one third of the members present, the said previous question was then put, viz: shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the amendment to the said amendment be adopted?

And passed in the affirmative.

YEAS 23—NAYS 15.

The yeas and nays being demanded by two of the members present;

Those who voted in the affirmative are—

Messrs. Pray, (President). Austin, Black, Falconer, Floyd, Granberry, Hicks, Higgason, Howard, Jones of Jones, Keegan, Kennedy, Lowe, Lynch, Magee, Morris, McNabb, McRae, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Scott, Seamon, Trotter, Wright—28.

Those who voted in the negative are—

Messrs. Bacot, Cain, Dickson, Farish, Grayson, Greenleaf, Hurst, Jefferson, Johnson, Jones of Pike, Knox, McLaughlin, McMillan, Stewart, Williams—15.

The question was then taken on the third amendment to the 8th resolution of the report of the select committee on the General Provisions of the Constitution, as amended,

And passed in the affirmative.

Then the House adjourned 'till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment—

When the following resolution was submitted by Mr. Jones, from the senatorial district composed of the counties of Pike and Marion:

Resolved, That the members of this Convention be allowed the sum of eight dollars per day, as a compensation for their services.

Mr. Redd moved that said resolution lie on the table—

And the question being put,

It was determined in the negative.

The Convention then, forthwith, resolved itself into a committee of the whole on said resolution; Mr. Howard in the Chair.

And after debate—

It was moved by Mr. Keegan that the committee rise, and report said resolution without amendment.

And the question being taken thereon,

It was determined in the negative.

A motion was then made by Mr. McRae to amend the said resolution as follows:

Strike out the word "eight," and insert in lieu thereof the word "two."

A division of the question being called for,

It was taken first on striking out;

And passed in the affirmative.

It was then moved by Mr. Keegan, that the committee rise, and report said resolution as amended—

And the question being taken thereon,

It was decided in the negative.

The question then recurred on the second proposition of Mr. McRae's amendment to fill the blank in the said resolution with the word "two;"

When a motion was made by Mr. Magee, that the same be filled with the word "five"—

And the question being taken thereon,

It was determined in the negative.

YEAS 2—NAYS 41.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Jones of Jones, Magee—2.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Black, Cain, Dickson, Falconer, Farish, Floyd, Granberry, Grayson, Greenleaf, Hicks, Higgason, Howard, Hurst, Jefferson, Johnson, Jones of Pike, Keegan, Kennedy, Knox, Lowe, Lynch, McLaughlin, McMillan, Morris, McNabb, McRae, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Scott, Seamon, Stewart, Trotter, Williams, Wright—41.

The committee then, on motion of Mr. Hurst, rose, and the President resumed the chair;

When Mr. Howard reported, that the committee of the whole had had the resolution proposing to increase the per diem pay of the members of the Convention under consideration, had made an amendment thereto, and had instructed him to report the same as amended.

On motion of Mr. Hurst,

It was ordered that said report be received.

It was then moved by Mr. Stewart, that the same do lie on the table,—

And the question being put,

It was determined in the negative.

A motion was then made by Mr. Magee, that said report be indefinitely postponed—

And the question being put,

It passed in the affirmative.

Mr. Stewart submitted the following resolutions:

Which were ordered to lie on the table.

1st. Resolved, that the second section of the fourth article of the Constitution be so amended as to read thus:

"Officers of the Militia shall be elected by the qualified electors of the State, in such manner as the Legislature shall from time to time direct, and shall be commissioned by the Governor."

2d. Resolved, That the third section of the 5th article be stricken out.

Mr. Jefferson submitted the following resolutions, which were ordered to lie on the table:

1st. Resolved, That the Legislature shall before the year provide by law for the establishment of a Penitentiary.

2d. Resolved, That all convicts sentenced to punishment in the penitentiary shall undergo solitary confinement and labor under such regulations as may be prescribed by law.

Mr. Runnels called for the consideration of the resolution introduced by him, in relation to the apportionment of Senators,

And the question being put,

It was determined in the negative.

On motion of Mr. Farish,

The Convention proceeded to consider the amendments made in committee of the whole to the resolutions reported by the select committee to whom was referred so much of the Constitution as relates to the General Provisions of the Government—

When the amendment to the 10th resolution of said report was read and agreed to.

The amendment to the 12th resolution of said report being read, the following amendment thereto, was proposed by Mr. Quitman:

Before the word "all," insert "that the third section of said schedule be so amended as to read as follows:"

And the question being put,

It passed in the affirmative.

The question was taken on the amendment to the said 12th resolution,

And passed in the affirmative.

The amendments to the 13th and 16th resolutions of said report were read and agreed to.

The Convention then proceeded on motion of Mr. Quitman, to consider the resolutions reported by the select committee to whom was referred so much of the Constitution as relates to the General Provisions of the Government, together with the amendments made thereto.

The first of the said resolutions being read,

Mr. Hicks moved that the same be amended as follows:

Strike out all after the word "Resolved,"

And the question being taken thereon,

It was determined in the negative.

It was then moved by Mr. Greenleaf, that the said resolution be amended as follows:

Strike out all after the word "article" and insert—

"Ministers of the gospel, being by their profession dedicated to God and the care of souls, ought not to be diverted from the great duties of their functions—therefore no minister of the gospel, or priest of any denomination whatever, while continuing to act as such, shall be compelled to work upon roads, serve on juries, or perform militia duty; nor shall such minister or priest be eligible to a seat in the House of Representatives."

After debate;

The previous question was called for by Mr. Keegan, and being demanded by one third of the members present, the said previous question was then put, viz: shall the main question be now put?

And decided in the negative.

After further debate,

The question was taken on the amendment proposed by Mr. Greenleaf, And determined in the negative.

The second resolution of the report of the said select committee was read, and the following amendment proposed thereto by Mr. Hicks:

Strike out all after the word "resolved."

And the question being put,

It was decided in the negative.

The third, fourth and fifth resolutions were read, and the following amendment proposed to the third thereof, by Mr. Hurst:

Add at the end of the resolution the words to wit: "the judicial interest shall not exceed six per cent. per annum."

And the question being taken thereon,

It was determined in the negative.

It was then moved, by Mr. Greenleaf, to amend the said third resolution as follows:

Strike out after the word "article" and insert the words, to wit:

"The Legislature shall have power to regulate the rate of interest where no special contract exists in relation thereto; and to pass laws to prevent usury, limiting the rate of conventional interest."

And the question being put,

It was determined in the negative.

The sixth resolution being read—

The following amendment thereto was proposed by Mr. Lowe:

Strike out all after the word "granted" in the third line to the word "by" in the fourth line, and insert the words, to wit: "only for the causes of prior marriage, adultery, or for the wilful and obstinate desertion for ten years."

And the question being taken thereon,

It was determined in the negative.

The 7th resolution was read, and there being no amendment proposed;

The 8th resolution was read—

When Mr. Howard proposed to amend the same as follows:

Strike out the word "that" and insert in lieu thereof the word "but."

And the question being put,

It passed in the affirmative.

Mr. Stewart moved further to amend the said 8th resolution as follows:

Strike out all after the word "resolved."

And the question being taken thereon,

It passed in the affirmative.

Mr. Grayson moved to amend the said 8th resolution as follows:

Insert after the word "resolved" the words to wit: "that the first section of the miscellaneous article of the Constitution, relating to slaves, be so amended as to read as follows: "after the year 1833 all slaves that may be brought into this State for sale, shall be forfeited to the use of the State, and disposed of for the benefit of the State, as may be provided for by law."

Mr. Quitman moved that said amendment be amended as follows, which was acceded to by Mr. Grayson:

After the word "after" insert the words "the first day of May in the."

Mr. McNabb proposed to amend Mr. Grayson's amendment, by adding thereto after the word "law" the following words, to wit: "except such as are under the age of 25 years."

And the question being put,

It was determined in the negative.

Pending the question on Mr. Grayson's amendment;

A motion was made by Mr. Trotter that there be a call of the House,

And the question being put,

It was determined in the negative.

The question was then taken on the amendment proposed by Mr. Grayson, and determined in the negative.

Yeas, 19—Nays, 24.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Bacot, Black, Cain, Dickson, Falconer, Farish, Grayson, Greenleaf, Hurst, Jefferson, Johnson, Jones of Pike, Knox, McLaughlin, McMillan, Morris, Quitman, Stewart, Williams—19.

Those who voted in the negative are—

Messrs. Pray, (President) Austin, Floyd, Granberry, Hicks, Higgason, Howard, Jones of Jones, Keegan, Kennedy, Lowe, Lynch, Magee, McNabb, McRae, Pendleton, Pope, Redd, Rose, Runnels, Scott, Seamon, Trotter, Wright—24.

The 9th resolution was read—and the following amendment proposed thereto by Mr. Greenleaf.

Insert after the word "given" in the 6th line the words "by the Secretary of State."

And the question being put,

It passed in the affirmative.

The 10th resolution being read—

The following amendment was proposed thereto by Mr. Quitman.

Strike out the word "though" and insert in lieu thereof the word "if."

And the question being taken thereon,

It was decided in the affirmative.

The 11th resolution was read, and no amendment being proposed,

The 12th resolution was read—

When Mr. Trotter moved that the same be amended as follows:

Strike out the words "and not already barred by law."

And the question being taken thereon,

It was decided in the affirmative.

Mr. Greenleaf moved that said resolution be amended as follows:

Strike out the word "may" in the 6th line and insert the word "shall."

And the question being put,

It was determined in the negative.

The 13th resolution was read, and no amendment being proposed,

The 14th resolution was read—

When Mr. Greenleaf moved that the same be amended as follows:

Insert after the word "operate" in the third line, the words "unless repugnant to this Constitution."

Mr. Quitman moved to amend said amendment as follows, which was acceded to by Mr. Greenleaf:

Strike out the word "operate" and insert in lieu thereof the word "State."

The question was then taken on Mr. Greenleaf's amendment,

And passed in the affirmative.

The 15th resolution was read, and there being no amendment proposed

The 16th resolution was read—

When Mr. Greenleaf moved that the same be amended as follows:

Strike out to the word "the" in the third line and insert the words to-wit: "the operation of the amendments and changes made to this Constitution shall be postponed until the day of 18 and immediately upon the adoption of this Constitution as amended, the President, &c."

A division of the question being called for, by Mr. Farish,

It was taken on striking out,

And determined in the negative.

The 17th, 18th, 19th and 20th resolutions were read, and no amendments proposed—

It was then ordered, on motion of Mr. Quitman, that the report of the select committee to whom was referred so much of the Constitution as relates to the General Provisions of the Government, lie on the table.

Mr. Morris moved the adoption of the following resolution:

Resolved, that leave of absence be granted to the Hon. James Jones, the member of this Convention (from the district composed of the counties of Pike and Marion,) for the remainder of the session.

Mr. Hurst moved that said resolution lie on the table.

And the question being put,

It was determined in the negative.

It was then ordered, on motion of Mr. Stewart, that said resolution be indefinitely postponed.

On motion of Mr. Quitman,

The Convention proceeded to consider the resolution introduced by Mr. Williams, proposing an additional section to the General Provisions.

Mr. Howard moved that said resolution be amended as follows:

Strike out the word "thirty," before days, and insert in lieu thereof the word "twenty."

A division of the question being called for;

It was taken on striking out,

And determined in the negative.

The question was then taken on agreeing to the report of the committee of the whole on said resolutions—

And decided in the affirmative.

Mr. Quitman moved the adoption of the following resolution:

Resolved, That the resolutions reported by the select committee to whom was referred so much of the Constitution as relates to the General Provisions, and the amendments made thereto, together with the article under the head of the General Provisions of the Constitution, and the resolutions adopted concerning loans of money by the Legislature, and the promulgation of laws of a general nature; together with all matters in relation to the General Provisions of this Constitution, be referred to a select committee to arrange and report the same in proper form to this Convention.

And the question being put,

It passed in the affirmative.

And in pursuance thereto, Messrs. Quitman, Trotter, Knox, Black and Grayson were appointed.

Mr. Greenleaf submitted the following resolution:

Which was ordered to lie on the table.

Resolved, That the first section of the General Provisions in relation to slaves be amended by striking out from the word "service," in the third line from the top, to the end of the sentence, and inserting "or unless a gradual system for the abolition of slavery shall be deemed expedient, by emancipating all infant slaves under the age of four years; in which case the owner or owners shall be paid a full equivalent for the slave or slaves so emancipated."

Mr. Howard gave notice that he would, on to-morrow, call for the consideration of the resolution submitted by him in relation to the poll tax.

Mr. Keegan submitted the following resolution:

Which was ordered to lie on the table.

Resolved, That it is expedient to strike out the second section under the head of slaves, in the General Provisions.

Then the House adjourned.

Thursday, October 11, 1832.

The Convention met pursuant to adjournment,—

And on motion of Mr. Keegan,

Proceeded to consider the amendments made in committee of the whole to resolutions reported by the select committee to whom was referred so much of the Constitution as relates to the Legislative Department of the Government.

The first, second and third amendments to the first of said resolutions were read and agreed to.

The first amendment to the third of said resolutions being read, was concurred in.

The second amendment to the said third resolution was read, and disagreed to.

The first and second amendments to the fourth of said resolutions were read and concurred in.

The first, second, third, fourth, fifth and sixth amendments to the fifth of said resolutions being read, were concurred in.

The amendment to the 7th of said resolutions was read and concurred in.

YEAS 24—NAYS 18.

The yeas and nays being demanded by two of the members present;

Those who voted in the affirmative are—

Messrs. Pray, (President,) Bacot, Black, Farish, Grayson, Hurst, Jefferson, Johnson, Jones of Jones, Keegan, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, Morris, McNabb, McRae, Pope, Redd, Runnels, Seamon, Williams—24.

Those who voted in the negative are—

Messrs. Austin, Cain, Dickson, Falconer, Floyd, Granberry, Hicks, Higgason, Howard, Jones of Pike, Kennedy, Pendleton, Quitman, Rose, Stewart, Scott, Trotter Wright—18.

The first amendment to the 11th of said resolutions was read and concurred in.

The second amendment to the said 11th resolution being read, was disagreed to.

The first amendment to the 12th of said resolutions was read, and concurred in.

YEAS, 22—NAYS, 20.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (president) Falconer, Granberry, Hicks, Howard, Hurst, Johnson, Jones of Jones, Keegan, Kennedy, Lowe, Lynch McLaughlin, McMillan, Morris, McNabb, McRae, Pendleton, Pope, Rose, Scott, Seamon—22.

Those who voted in the negative are—

Messrs. Austin, Bacot, Black, Cain, Dickson, Farish, Floyd, Grayson, Higgason, Jefferson, Jones of Pike, Knox, Magee, Quitman, Redd, Runnels, Stewart, Trotter, Williams, Wright—20.

The second and third amendments to the said 12th resolution were concurred in.

The fourth amendment to the said 12th resolution was read,

When a division of the propositions were called for.

The vote was first taken on filling the first blank in the third line of said resolution with the word "third,"

And passed in the affirmative.

It was then taken on filling the second blank in the said third line with the word "November,"

And passed in the affirmative.

The Convention then proceeded to consider the resolutions reported by the select committee to whom was referred so much of the Constitution as relates to the Legislative Department of the Government.

The first of said resolutions being read, and no amendment proposed, the second of said resolutions was read,

When it was moved by Mr. Trotter, that the same be amended as follows:

Strike out the word "two," in the fourth line, and insert in lieu thereof, the word "one."

A division of the question being called for.

It was taken on striking out,

And determined in the negative.

The third resolution was read, and the following amendment proposed thereto, by Mr. Pendleton:

Fill the blank in the last line with the word "May,"

And the question being taken thereon,

It was determined in the negative.

Mr. Hicks moved to fill said blank with the word "November,"

And the question being put,

It was determined in the negative.

A motion was then made, by Mr. Farish, that it be filled with the word "February,"

And the question being taken thereon,

It was decided in the negative.

YEAS, 14—NAYS, 28.

The yeas and nays being demanded by two of the members present;

Those who voted in the affirmative are—

Messrs. Bacot, Farish, Floyd, Grayson, Howard, Jefferson, Knox, Magee, McMillan, Quitman, Redd, Runnels, Williams, Wright—14.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Black, Cain, Dickson, Falconer, Granberry, Hicks, Higgason, Hurst, Johnson, Jones of Jones, Jones of Pike, Keegan, Kennedy, Lowe, Lynch, McLaughlin, Morris, McNabb, McRae, Pendleton, Pope, Rose, Scott, Seamon, Stewart, Trotter—28.

It was then moved by Mr. Hurst, that the said blank be filled with the word "March."

Mr. Kennedy proposed filling it with the word "October,"

And Mr. Pendleton with "August."

The question on said motions were severally taken,

And determined in the negative.

A motion was then made, by Mr. McRae, that the vote taken on filling the said blank with the word "November," be reconsidered,

And the question being put,

It passed in the affirmative.

The question then recurred on the filling the said blank with said word "November,"

And passed in the affirmative.

The fourth resolution was read, and there being no amendment proposed, the fifth was read; when

Mr. Farish moved, that the same be amended as follows:

Strike out in the 9th line all after the word "hundred."

A motion was then made, by Mr. Farish, that there be a call of the House;

And the question being put,

It was determined in the negative.

The House then adjourned 'till two o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met agreeably to adjournment—

And on motion of Mr. Grayson,

Resumed the consideration of the resolutions reported by the select committee to whom was referred so much of the Constitution as relates to the Legislative Department of the Government.

The amendment proposed by Mr. Farish, to the 5th of the said resolutions being called for, and the question recurring thereon—

It was moved by Mr. Hurst, that the said 5th resolution be amended as follows:

Insert after the word "county," in the 9th line, the words, to wit: "now organized."

And the question being put,

It passed in the affirmative.

A motion was then made, by Mr. Pendleton, that the vote taken on the adoption of said amendment, be reconsidered—

And the question being put,

It passed in the affirmative.

The question then recurred on its re-adoption—

And being taken,

It was determined in the negative.

YEAS 9—NAYS 33.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Farish, Grayson, Hurst, Johnson, McMillan, Morris, McRae, Quitman, Seathon—9.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Bacot, Black, Cain, Dickson, Falconer, Floyd, Granberry, Hicks, Higgason, Howard, Jefferson, Jones, of Jones, Jones of Pike, Keegan, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, McNabb, Pendleton, Pope, Redd, Rose, Runnels, Scott, Stewart, Trotter, Williams, Wright—33.

The question then recurred on the amendment proposed by Mr. Farish; pending which—

It was moved by Mr. Farish that there be a call of the House.

And the question being taken thereon,

It was determined in the negative.

The vote was then taken on Mr. Farish's amendment,

And determined in the negative.

YEAS 17—NAYS 25.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Cain, Farish, Grayson, Hicks, Higgason, Hurst, Jefferson, Johnson, Jones of Pike, Kennedy, Magee, Quitman, Redd, Rose, Scott, Stewart, Trotter—17.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Black, Dickson, Falconer, Floyd, Granberry, Howard, Jones, of Jones, Keegan, Knox, Lowe, Lynch, McLaughlin, McMillan, Morris, McNabb, McRae, Pendleton, Pope, Runnels, Seamon, Williams, Wright—25.

The 6th resolution was read, and the following amendment proposed thereto by Mr. Scott:

Strike out the word "four," in the third line, and insert the word "two." Strike out all after the word "years," in the third line.

A division of the question being called for,

It was taken on striking out,

And decided in the negative.

Mr. Higgason moved to amend said resolution as follows:

Strike out after the word "years," in the third line—

And the question being put,

It was determined in the negative.

The 7th resolution was read, and the following amendment proposed thereto by Mr. Scott:

Strike out the word "four," in the fourth line, and insert in lieu thereof the word "two."

A division of the question being called for—

It was taken on striking out,

And determined in the negative.

The 8th and 9th resolutions were read—

And there being no amendment proposed;

The 10th was read—

When the following amendment was proposed thereto by Mr. Quitman:

Strike out in the 4th and 5th lines the words "or Associate Justices of the County Court or Courts"—

And the question being put,

It passed in the affirmative.

The 11th resolution being read—

The following amendment thereto was proposed by Mr. Farish—

Fill the blank with the word "November"—

And the question being put,

It passed in the affirmative

Mr. Keegan moved that said resolution be further amended as follows:

Insert after the word "thereafter," in the second line, the word "there;"

And the question being put,

It passed in the affirmative.

The 12th resolution being read—

The following amendment was proposed thereto by Mr. Hurst

In the third line, after the integral numbers "13," fill the blank with "33"—

And the question being put,

It passed in the affirmative.

It was then ordered, on motion of Mr. Hurst, that said report lie on the table.

On motion of Mr. McLaughlin,

The vote taken on the resolution introduced by Mr. Morris, in relation to leave of absence being granted to the Hon. James Jones, the member from the district composed of the counties of Pike and Marion, the remainder of the session of this Convention, was reconsidered.

And, thereupon,

Mr. Morris asked and obtained leave to withdraw said resolution.

On motion of Mr. Farish,

The following resolution was adopted:

Resolved, That the report of the committee to whom was referred so much of the Constitution as relates to the Legislative Department, with the amendments made thereto in committee of the whole, together with all parts of the Legislative Department not embraced in said report, be referred to a select committee, to prepare and place in regular form.

And in pursuance thereto, Messrs. Farish, Jefferson, Greenleaf, Keegan and Quitman were appointed.

Then the House adjourned.

Friday, October 12, 1832.

The Convention met pursuant to adjournment—

And, on motion of Mr. Runnels, proceeded, in committee of the whole, to consider the resolution submitted by him in relation to an apportionment of senatorial representation; Mr. Quitman in the Chair.

After debate—

The committee, on motion of Mr. Johnston, rose, and the President resumed the chair; when

Mr. Quitman reported that the committee of the whole had had said resolution under consideration, and had directed him to report the same [illegible] amendment.

On motion of Mr. Quitman,

It was ordered that said report be received.

It was then moved by Mr. Johnson that the same do lie on the table;

And the question being put,

It was determined in the negative.

Mr. Dickson moved that said report be agreed to.

Mr. Redd moved that it lie on the table—

And the question being taken thereon,

It was determined in the negative.

A motion was then made by Mr. Keegan, that said report be referred to the select committee to whom was referred the report of the select committee on so much of the Constitution as relates to the Legislative Department of the Constitution.

It was then moved by Mr. Quitman that there be a call of the House:

And the question being put,

It passed in the affirmative.

The roll of the members was then called by the Secretary, when it appeared that the following named members answered to their names:

Messrs. Austin, Bacot, Black, Cain, Dickson, Falconer, Farish, Floyd, Granberry, Grayson, Greenleaf, Hicks, Higgason, Hurst, Jefferson, Johnson, Jones of Jones, Jones of Pike, Keegan, Lowe, Lynch, Magee, McLaughlin, McMillan, Morris, McNabb, Pope, Quitman, Redd, Rose, Runnels, Scott, Seamon, Stewart, Trotter, Williams, Wright—37.

The Sergeant-at-Arms was then sent for the absent members, who appeared and took their seats in the Hall.

It was then moved by Mr. Johnson that said report lie on the table—

And the question being taken thereon,

It was determined in the negative.

It was then ordered, on motion of Mr. Grayson, that the farther consideration of said report be postponed until to-morrow.

On motion of Mr. Johnson,

The Convention proceeded to consider the amendments made in committee of the whole to the resolutions reported by the select committee to whom was referred so much of the Constitution as relates to the Executive Department of the Government.

When the first of the said amendments, proposing to strike out the words "General Assembly," wherever it occurs in any of the said resolutions, and insert the word "Legislature," was read and agreed to.

The amendments to the 2d, 3d and 7th of said resolutions, were read and agreed to.

The first amendment to the 14th resolution being read, was agreed to.

The second amendment to the said resolution was read and disagreed to.

The amendments to the 1st and 19th of said resolutions were read and agreed to.

On motion of Mr. Keegan,

The proceedings had on this day, in committee of the whole, on the said report, were stricken from the journals.

The Convention then proceeded to consider the resolutions reported by the select committee to whom was referred so much of the Constitution as relates to the Executive Department of the Government—

When the first and second of said resolutions were read and agreed to.

The third of said resolutions was read, and the following amendment proposed thereto by Mr. Keegan:

Strike out from the word "election," in the third line—

And the question being put,

It was determined in the negative.

Mr. Hurst moved to amend said resolution as follows:

Strike out the word "twenty," in the second line, and insert the word "eight."

A division of the question being called for—

It was taken on striking out,

And determined in the negative.

The 4th, 5th, 6th, 7th, 8th and 9th resolutions being read, and no amendment proposed—

The 10th resolution was read, and the following amendment proposed thereto by Mr. Black:

Strike out, in the second line, the words "and forfeitures."

And the question being taken thereon,

It passed in the affirmative.

Yeas 22—Nays 20.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Bacot, Black, Falconer, Farish, Floyd, Granberry, Grayson, Howard, Jones of Jones, Keegan, Kennedy, Lowe, McLaughlin, McMillan, Morris, McRae, Quitman, Scott, Seamon, Stewart, Williams—22.

Those who voted in the negative are—

Messrs. Austin, Cain, Dickson, Greenleaf, Hicks, Higgason, Hurst, Jefferson, Johnson, Jones of Pike, Knox, Lynch, Magee, McNabb, Pendleton, Pope, Redd, Rose, Runnels, Trotter—20.

Mr. Greenleaf moved to amend said resolution as follows:

Insert after the word "fines," in the second line, the words, to wit:

"And stay the collection of forfeitures until the rising of the next session of the Legislature; and, by and with the advice and consent of the Senate, to remit forfeitures."

And the question being put,

It passed in the affirmative.

The 11th and 12th resolutions being read, and no amendments proposed—

The 13th resolution was read, and the following amendment proposed thereto by Mr. Greenleaf:

"Strike out all after the word "Constitution," in the 10th line—

And the question being put,

It was determined in the negative.

Mr. Quitman moved to amend said resolution as follows:

After the word "State," in the 12th line, insert the words "or of"—

And the question being put,

It passed in the affirmative.

The 14th resolution was read, and the following amendment proposed thereto by Mr. Greenleaf:

Strike out after the word "be," in the first line to the end of the sentence, and insert the words, to wit:

"Appointed on a nomination of the Governor, by and with the advice and consent of the Senate."

A division of the question being called for by Mr. Howard,

The vote was taken on striking out,

And determined in the negative.

YEAS 9—NAYS 33.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Greenleaf, Hurst, Jefferson, Knox, Magee, Pope, Quitman, Redd, Williams—9.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Black, Cain, Dickson, Falconer, Farish, Floyd, Granberry, Grayson, Hicks, Higgason, Howard, Johnson, Jones of Jones, Jones of Pike, Keegan, Kennedy, Lowe, Lynch, McLaughlin, McMillan, Morris, McNabb, McRae, Pendleton, Rose, Runnels, Scott, Seamon, Stewart, Trotter—33.

Mr. Quitman moved to amend said resolution as follows:

Strike out the word "who," in the second line, and insert the word "and"—

And the question being taken thereon,

It was decided in the affirmative.

The 15th resolution was read, and the following amendment proposed thereto by Mr. Black:

Strike out from the word "if," in the second line, to the word "he" in the same line, and insert the words "he approve."

A division of the question being called for,

It recurred on the proposition to strike out;

When a discussion arose—

And the previous question was called for, by Mr. Dickson, and being demanded by one-third of the members present—

The said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the words proposed to be stricken out in the first proposition of Mr. Black's amendment be stricken out?

And it passed in the affirmative.

The question was then taken on the second proposition of said amendment, to insert the words "he approve"—

And passed in the affirmative.

Yeas 24—Nays 17.

The yeas and nays being demanded by two of the members present;

Those who voted in the affirmative are—

Messrs. Bacot, Black, Falconer, Farish Grayson, Greenleaf, Higgason, Howard, Johnson, Jones of Jones, Knox, Lowe, Lynch, Magee, McMillan, Morris, McRae, Pendleton, Pope, Quitman, Redd, Runnels, Scott, Williams—24.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Cain, Dickson, Floyd, Granberry, Hicks, Hurst, Jefferson, Jones of Pike, Kennedy, McLaughlin, McNabb, Rose, Seamon, Stewart, Trotter—17.

Then the House adjourned 'till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment—

And resumed the consideration of the resolutions reported by the select committee to whom was referred so much of the Constitution as relates to the Executive Department of the Government—

When the 16th of the said resolutions was read, and no amendment being proposed; the 17th resolution was read, and the following amendment proposed thereto by Mr. Black:

Strike out all after the word "Resolved,"

And the question being taken thereon,

It was determined in the negative.

YEAS 13—NAYS 28.

The yeas and nays being demanded by two of the members present;

Those who voted in the affirmative are—

Messrs. Austin, Black, Falconer, Grayson, Greenleaf, Higgason, Howard, Jones of Jones, Morris, Pope, Quitman, Runnels, Seamon—13.

Those who voted in the negative are—

Messrs. Pray, (president) Bacot, Cain, Dickson, Farish, Floyd, Granberry, Hicks, Hurst, Jefferson, Johnson, Jones of Pike, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, McNabb, Pendleton, Redd, Rose, Scott, Stewart, Trotter, Williams, Wright—28.

The 18th resolution being read,

Mr. Quitman moved, that the same be amended as follows:

Strike out after the word "the" in the second line to the word "the" in the third line—after the word "Governor" in the third line insert the words "and no other."

And the question being taken thereon,

It was determined in the negative.

The 19th resolution was read, and the following amendment proposed thereto by Mr. Howard:

After the word "removed" in the latter part of the second and commencement of the third line, insert the words, to wit: "but who shall not be eligible more than four years in any term of six years."

A debate arose—

When the previous question was called for by Mr. Johnson, and being demanded by one third of the members present, the said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the resolution be adopted?

And determined in the negative.

YEAS, 11—NAYS, 30.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Falconer, Farish, Grayson, Howard, Jefferson, Johnson, Lynch, Magee, McLaughlin, Quitman, Wright—11.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Black, Cain, Dickson, Floyd, Granberry, Greenleaf, Hicks, Higgason, Hurst, Jones of Jones, Jones of Pike, Kennedy, Knox, Lowe, McMillan, Morris, McNabb, Pendleton, Pope, Redd, Rose, Runnels, Scott, Seamon, Stewart, Trotter, Williams —30.

Mr. Greenleaf moved to amend said resolution by adding at the end thereof the words following, to wit:

"And the Coroner shall hold his office until his successor be duly qualified."

And the question being put,

It passed in the affirmative.

The 20th resolution being read—

Mr. Bacot moved that the same be amended as follows:

Strike out after the word "by" in the second line to the word "who" in the same line, and insert the words "the qualified electors of the State."

And the question being put,

It passed in the affirmative.

YEAS, 22—NAYS, 17.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Austin, Bacot, Cain, Falconer, Farish, Grayson, Higgason, Howard, Hurst, Jones of Jones, Jones of Pike, Lynch, McMillan, Morris, McNabb, Pendleton, Rose, Seamon, Stewart, Trotter, Wright—22.

Those who voted in the negative are—

Messrs. Dickson, Floyd, Granberry, Greenleaf, Hicks, Jefferson, Johnson, Knox, Lowe, Magee, McLaughlin, Pope, Quitman, Redd, Runnels, Scott, Williams—17.

The following amendment was proposed by Mr. Hicks, to the third of the said resolutions:

Strike out the word "five" and insert the word "two."

And the question being taken thereon,

It was determined in the negative.

On motion of Mr. Jefferson,

It was ordered that the said report lie on the table.

On motion of Mr. Jefferson,

The following resolution was adopted:

Resolved, That the report of the committee on the Executive Department of the Constitution, together with the amendments made thereto, be referred to a select committee to put in form and report the same to the Convention. And in pursuance thereto, Messrs. Jefferson, Dickson, Black, Quitman and Greenleaf were appointed.

Mr. Hurst submitted the following resolution, which was ordered to lie on the table:

Resolved, That slaves shall not be introduced into this State as merchandize after the first day of May, 1833. But no law shall be passed until the year 1845 to prevent citizens of this State from purchasing and bringing into this State, any slave or slaves for their own individual use.

Mr. Grayson asked and obtained leave to withdraw a resolution introduced by him, in relation to taxes, and ordered to lie on the table.

On motion of Mr. Stewart,

The Convention proceeded, in committee of the whole, to consider the resolution introduced by him and ordered to lie on the table, in relation to the militia—Mr. Wright in the chair.

And after some time spent therein, the President resumed the chair, and Mr. Wright reported that the committee of the whole had, according to order, had said resolution under consideration, and had instructed him to report the same without amendment.

On motion of Mr. Wright,

It was ordered that said report be received and agreed to.

Mr. Stewart then asked and obtained leave to withdraw the said resolution.

Then the House adjourned.

Saturday, October 13, 1832.

The Convention met pursuant to adjournment—

When the following resolutions were submitted by Mr. McNabb, and ordered to lie on the table.

1. Resolved, That there shall be elected annually, by the qualified voters in each county within this State, an Assessor and Collector of Taxes.

2. Resolved, That no Assessor or Collector shall be re-eligible, who shall not produce to the Judge of Probate in each county within this State, three months previous to such election, a certificate from the State and County Treasuries of his having paid into the several offices the full amount of the State and County taxes by him collected the preceding year.

Mr. McNabb also submitted the following resolutions, which were ordered to lie on the table:

Whereas it is the sense of this Convention that equity jurisdiction should be vested in some tribunal in this State—

Therefore, be it resolved—

1. That the Judges of the several Circuit Courts in this State shall hold a Court of Chancery *semi-annually*, in their respective circuits, at such time as shall be prescribed by law, and at the court house most convenient to the *centre* of their several circuits.

2. Resolved, That all causes which may be tried and determined in any of the said Courts of Chancery, either party being aggrieved shall have the right of an appeal to the High Court of Errors and Appeals, in such manner as shall be prescribed by law.

3. Resolved, That the several Clerks of the said Courts of Chancery shall be elected by the qualified electors within their several circuits, and shall hold their offices for the term of   years.

The resolution in relation to an apportionment of senatorial representation being in order—

The Convention, on motion of Mr. Black, forthwith resolved itself into a committee of the whole on said resolution; Mr. Stewart in the chair.

When Mr. Williams moved to amend said resolution as follows:

Strike out all after the word "Resolved"—

And the question being put,

It was determined in the negative.

YEAS 14—NAYS 29.

The yeas and nays being demanded by two of the members present;

Those who voted in the affirmative are—

Messrs. Farish, Grayson, Greenleaf, Hicks, Hurst, Jefferson, Johnson, Knox, Magee, McMillan, Quitman, Redd, Stewart, Williams—14.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Black, Cain, Dickson, Falconer, Floyd, Granberry, Higgason, Howard, Jones of Jones, Jones of Pike, Keegan, Kennedy, Lowe, Lynch, McLaughlin, Morris, McNabb, McRae, Pendleton, Pope, Rose, Runnels, Scott, Seamon, Trotter, Wright—29.

Mr. Hicks moved to amend said resolution as follows:

Insert between the words "white inhabitants" the word "taxable."

After debate, the previous question was called for by Mr. McNabb, and being demanded by one third of the members present, the said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the amendment proposed by Mr. Hicks be adopted?

And determined in the negative.

YEAS 14—NAYS 28.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Farish, Grayson, Greenleaf, Hicks, Hurst, Jefferson, Johnson, Knox, Magee, McMillan, Quitman, Redd, Stewart, Williams—14.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Bacot, Black, Cain, Dickson, Falconer, Floyd, Granberry, Higgason, Howard, Jones of Jones, Jones of Pike, Keegan, Kennedy, Lowe, Lynch, McLaughlin, Morris, McNabb, McRae, Pendleton, Pope, Rose, Runnels, Searson, Trotter, Wright—28.

It was then moved, by Mr. Grayson, to amend said resolution by adding at the end thereof the words following, to wit:

"Provided, however, that each county and district now entitled to separate senatorial representation, shall always thereafter be entitled to one senator each and never to less."

Mr. Wright moved to amend said amendment as follows:

Strike out the words "and district."

Pending the question on which motion, it was moved, by Mr. Jones, of Pike, that the committee rise, report progress, and ask leave to sit again.

And the question being taken thereon,

It was determined in the negative.

The question was then taken on the amendment proposed by Mr. Wright,

And passed in the affirmative.

The question then recurred on the amendment proposed by Mr. Grayson as amended,

And the vote being taken,

It was determined in the negative.

A motion was then made by Mr. Pray, (President) to amend the said resolution by adding at the end thereof the words following, to wit:

"Provided however, that this basis of representation in the Senate shall prevail *only* from and after the year of our Lord 1838, and until that period the basis of representation in the Senate shall be the same as is now established."

It was then moved, by Mr. Runnels, that the committee rise, report progress and ask leave to sit again.

And the question being put,

It was decided in the negative.

The question then recurred on the amendment proposed by Mr. Pray, (President.)

Pending which—it was moved, by Mr. Magee, that the committee rise, report progress and ask leave to sit again.

And the question being put,

It was determined in the negative.

A debate then arose—when the previous question was called for, by Mr. Johnson, and being demanded by one-third of the members present—

The said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the amendment proposed by Mr. Pray, (President) be adopted?

And determined in the negative.

YEAS 12—NAYS 28.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Bacot, Dickson, Farish, Grayson, Hicks, Johnson, Magee, McMillan, Quitman, Redd, Scott—12.

Those who voted in the negative are—

Messrs. Austin, Black, Cain, Faleoner, Floyd, Granberry, Greenleaf, Higgason, Howard, Jefferson, Jones of Jones, Jones of Pike, Keegan, Kennedy, Knox, Lowe, Lynch, McLaughlin, Morris, McNabb, McRae, Pendleton, Rose, Runnels, Seamon, Stewart, Trotter, Williams, Wright—29.

The committee, then on motion of Mr. Morris, rose, and the President resumed the chair; when

Mr. Stewart reported, that the committee of the whole had had the resolution in relation to an apportionment of Senatorial representation, under consideration, and had instructed him to report the same without amendment.

Mr. Stewart moved that said report be received and agreed to.

A division of the question being called for—

It was taken first on receiving said report,

And passed in the affirmative.

It was then taken on agreeing to said report,

And decided in the affirmative.

Mr. Keegan moved that said report be referred to the committee to whom was referred the report of the committee on the Legislative Department of the Constitution.

Mr. Grayson moved that the Convention do adjourn until 8 o'clock, A. M. on Monday.

And the question being put,

It was determined in the negative.

Mr. Williams moved that the Convention adjourn 'till 2 o'clock, P. M.

And the question being taken thereon,

It was decided in the negative.

The question was then taken, on the motion of Mr. Keegan, to refer the report of the committee on the apportionment of senatorial representation to the committee to whom was referred the report of the committee on the Legislative Department of the Constitution.

And the question being put,

It passed in the affirmative.

On motion of Mr. Quitman,

The following resolution was adopted:

Resolved, That the committee appointed to arrange the resolutions on the subject of General Provisions, be discharged from the consideration of the resolution in relation to the residence of the Governor and other officers, and that the same be referred to the committee appointed to arrange the resolutions on the subject of the Legislative Department.

Mr. Greenleaf moved that the Convention do adjourn until 9 o'clock, A. M. on Monday.

And the question being put,

It was decided in the negative.

And then, on motion of Mr. Farish, the Convention adjourned.

Monday, October 15, 1832.

The Convention met agreeably to adjournment—

And proceeded to consider the amendments made in committee of the whole to the resolutions reported by the select committee to whom was referred so much of the Constitution as relates to the Judicial Department of the Government.

The amendment to the first of said resolutions was read and agreed to.

The amendments to the 2d, 4th and 6th of said resolutions were read and agreed to.

The amendments to the 7th, 8th, 10th, 13th, 18th, and 19th of said resolutions being read, were also agreed to.

The amendment to the 20th of said resolutions was read and disagreed to.

The amendments to the 21st, 22d, 23d, 24th, 27th, 30th, 32d, and 33d of said resolutions were read and concurred in.

The Convention then proceeded to consider the resolutions reported by the select committee to whom was referred so much of the Constitution as relates to the Judicial Department of the Constitution—

When the first of the said resolutions was read, and no amendment being proposed—

The second was read, and the following amendment proposed thereto by Mr. Farish:

Insert between the word "and" and the word "the" the words, to wit: "a majority of"—

And the question being taken thereon,

It passed in the affirmative.

The third resolution being read, and no amendment proposed—

It was moved by Mr. Wright that the Convention reconsider its vote taken on the amendment proposed by Mr. Farish to the said second resolution—

And the question being put,

It passed in the affirmative.

The question then recurred on the re-adoption of said amendment—

When it was moved by Mr. Wright that there be a call of the House;

And the question being taken thereon,

It passed in the affirmative.

The roll of the members was then called by the Secretary—

When it appeared that the following named members answered to their names:

Messrs. Bacot, Black, Cain, Falconer, Farish, Floyd, Granberry, Grayson, Greenleaf, Higgason, Howard, Hurst, Jefferson, Johnson, Jones, of Jones, Jones, of Pike, Keegan, Kennedy, Lowe, Lynch, Magee, McLaughlin, McMillan, McNabb, McRae, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Seamon, Stewart, Trotter, Williams, Wright—36.

Further proceedings on said call having been dispensed with, and the question still recurring on the re-adoption of the amendment proposed by Mr. Farish;

A debate arose—

When the previous question was called for by Mr. Stewart;

And being demanded by one third of the members present,

The said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the said amendment be re-adopted?

And determined in the negative.

Yeas 14—Nays 23.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Black, Falconer, Farish, Grayson, Greenleaf, Howard, Jefferson, Johnson, Magee, McRae, Quitman, Redd, Seamon, Williams—14.

Those who voted in the negative are—

Messrs. Pray, (President) Bacot, Cain, Floyd, Granberry, Higgason, Hurst, Jones of Jones, Jones of Pike, Keegan, Kennedy, Lowe, Lynch, McLaughlin, McMillan, McNabb, Pendleton, Pope, Rose, Runnels, Stewart, Trotter, Wright—23.

The fourth resolution being read, and no amendment proposed—

It was moved by Mr. Howard that the second resolution be amended as follows:

Strike out all after the word judges, in the second line, and insert the words, to wit:

"Who shall be elected by the qualified electors of the State."

Mr. Hurst pronounced the amendment out of order.

Whereupon,

The President decided that it was in order.

Mr. Hurst appealed from the decision of the Chair—

And the question being put,

Shall the decision of the Chair stand as the decision of the Convention?

It was decided in the affirmative.

The question was then taken on the adoption of said amendment,

And determined in the negative.

YEAS, 10—NAYS, 28.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Cain, Floyd, Higgason, Howard, Jones of Pike, Kennedy, McNabb, Quitman, Stewart, Williams—10.

Those who voted in the negative are—

Messrs. Pray, (President,) Bacot, Black, Dickson, Falconer, Farish, Grayson, Granberry, Greenleaf, Hurst, Jefferson, Johnson, Jones, of Jones, Keegan, Lowe, Lynch, Magee, McLaughlin, McMillan, McRae, Pendleton, Pope, Redd, Rose, Runnels, Seamon, Trotter, Wright—28.

The 5th resolution being read, the following amendment thereto was proposed by Mr. Greenleaf:

Strike out after the word "removal" to the end of the sentence, and insert the words, to wit:

"Shall be filled thereafter only for the remainder of the unexpired term;"

And the question being taken thereon,

It was decided in the negative.

Mr. Magee moved to amend said resolution, by adding at the end thereof the words following, to wit:

"Provided, however, that if the unexpired term do not exceed one year the vacancy shall be filled by executive appointment."

And the question being put,

It passed in the affirmative.

The 6th resolution being read, and no amendment proposed—

The seventh was read—

When it was moved by Mr. Wright that the same be amended, by adding at the end thereof the words following, to wit:

"And at such other place or places as the Legislature may from time to time direct."

And the question being taken thereon,

It was determined in the negative.

Mr. Jefferson moved to amend said resolution as follows:

Strike out all after the word "Resolved"—

And the question being taken thereon,

It was decided in the negative.

Mr. Howard proposed to amend said resolution as follows:

Strike out all after the word "Resolved," and insert the words following, to wit:

"One term of the High Court of Errors and Appeals in each year shall be held at the Seat of Government, until the year 1836, and after that time all the terms of said Court shall be held at the Seat of Government."

A division of the question being called for—

It was taken on striking out,

And determined in the negative,

The 9th resolution being read, the following amendment thereto was proposed by Mr. Greenleaf:

Strike out from the word "the," where it first occurs in the third line, to the word "judges," in the fourth line, and insert after the word "elected," in the 4th line, the word "which."

A division of the question being called for by Mr. Magee—

It was taken on striking out,

And determined in the negative.

The 10th resolution was read, and the following amendment proposed thereto by Mr. Greenleaf:

Insert after the word "judge," in the first line, the words "of said courts"—

And the question being put,

It was determined in the negative.

The 11th resolution being read—

Mr. Keegan moved that the same be amended as follows:

Strike out after the word "services," and insert the words, to wit:

"A compensation to be fixed by law, which shall not be diminished during their continuance in office."

A division of the question being called for by Mr. Magee—

It was first taken on striking out,

And passed in the affirmative.

YEAS, 22—NAYS, 16.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Black, Cain, Falconer, Granberry, Grayson, Hurst, Jones of Jones, Jones of Pike, Keegan, Lowe, Lynch, McLaughlin, McMillan, McRae, Pendleton, Pope, Quitman, Rose, Scott, Seamon, Trotter, Wright—22.

Those who voted in the negative are—

Messrs. Pray, (president) Dickson, Farish, Floyd, Greenleaf, Higgason, Howard, Jefferson, Johnson, Kennedy, Magee, McNabb, Redd, Runnels, Stewart, Williams—16.

The question then recurring on the second proposition of Mr. Keegan's amendment—

It was moved by Mr. Magee that there be a call of the House:

And the question being put,

It passed in the affirmative.

The roll of the members was then called by the Secretary:

When it appeared that the following named members answered to their names:

Messrs. Bacot, Black, Cain, Dickson, Falconer, Farish, Floyd, Granberry, Grayson, Greenleaf, Higgason, Howard, Hurst, Jefferson, Johnson, Jones of Jones, Jones of Pike, Keegan, Kennedy, Lowe, Lynch, Magee, McLaughlin, McMillan, McNabb, McRae, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Scott, Seamon, Trotter, Williams, Wright—37.

Further proceedings on said call having been dispensed with—

The question was taken on the second proposition of Mr. Keegan's amendment—

And passed in the affirmative.

YEAS, 23—NAYS, 16.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Bacot, Black, Cain, Falconer, Granberry, Grayson, Howard, Hurst, Jones of Jones, Jones of Pike, Keegan, Lowe, Lynch, McLaughlin, McMillan, McRae, Pendleton, Pope, Quitman, Rose, Scott, Trotter, Wright—23.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Dickson, Farish, Floyd, Greenleaf, Higgason, Jefferson, Johnson, Kennedy, Magee, McNabb, Redd, Runnels, Seamon, Williams—16.

Mr. Quitman moved that said resolution be further amended as follows:

Strike out in the second line the words "as compensation."

And the question being put,

It passed in the affirmative.

The 12th resolution was read—

And the following amendment proposed thereto by Mr. Jefferson:

Insert after the word "by" in the first line, the words "a majority of."

And the question thereon being taken,

It was determined in the negative.

The 13th resolution being read,

Mr. Greenleaf moved, that the same be amended by adding at the end thereof, the words following, to wit:

"Nor shall any person be eligible who has not obtained a license to practice law in this State."

And the question being taken thereon,

It was decided in the negative.

YEAS 7—NAYS 32.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Black, Falconer, Greenleaf, Higgason, Howard, Pope, Quitman—7.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Cain, Dickson, Farish, Floyd, Granberry, Grayson, Hurst, Jefferson, Johnson, Jones of Jones, Jones of Pike, Keegan, Kennedy, Lowe, Lynch, McLaughlin, McMillan, McNabb, McRae, Pendleton, Redd, Rose, Runnels, Scott, Seamon, Stewart, Trotter, Williams, Wright—32.

The 14th resolution being read—

Mr. Scott moved that the same be amended as follows:

Strike out the word "eight" in the second line and insert the word "twelve."

A division of the question being called for, by Mr. Williams,

It was taken first on striking out,

And passed in the affirmative.

It was then taken on inserting,

And decided in the affirmative.

Mr. McNabb moved that said resolution be further amended as follows:

Strike out the word "three" in the 2d line, and insert the word "four."

A division of the question being called for, by Mr. Farish,

It was taken on striking out,

And determined in the negative.

The 15th resolution was read, and the following amendment proposed thereto by Mr. Keegan:

Strike out the words "amounts to or" in the third line.

And the question being put,

It passed in the affirmative.

The 16th resolution was read, and no amendment being proposed; the 17th was read, when it was moved, by Mr. Pendleton, that the same be amended as follows:

Strike out the words "as compensation" and insert after the word "services" the words to wit: "a compensation to be fixed by law, which shall not be diminished during their continuance in office."

And the question being taken thereon,

It passed in the affirmative.

The 18th resolution being read—

The following amendment was proposed thereto by Mr. Farish:

Strike out all after the word "Resolved,"

And the question being put,

It was determined in the negative.

A motion was then made, by Mr. Howard, that the Convention adjourn 'till two o'clock, P. M.

And the question being taken thereon,

It was determined in the negative.

The 19th resolution was then read, and the following amendment proposed thereto by Mr. Greenleaf.

Strike out from the word "state" in the second line to the end of the sentence, and insert the words, to wit:

"The Judge of Probates shall be *ex officio* President of the board of county police; and shall hold his office for the term of   years."

A division of the question being called for, by Mr. Magee,

It was taken on striking out,

And determined in the negative.

The 20th resolution being read, Mr. Keegan moved that the same be amended as follows:

Strike out all after the word "Resolved."

And the question being put,

It passed in the affirmative.

YEAS, 36—NAYS, 3.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Austin, Bacot, Black, Cain, Dickson, Falconer, Farish, Floyd, Granberry, Grayson, Greenleaf, Higgason, Jefferson, Johnson, Jones of Jones, Jones of Pike, Keegan, Kennedy, Magee, McLaughlin, McMillan, McNabb, McRae, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Scott, Seamon, Stewart, Trotter, Williams, Wright—36.

Those who voted in the negative are—

Messrs. Hurst, Lowe, Lynch—3.

Then the Convention adjourned until 2 o'clock, P. M.

*

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment—

When the following resolutions were submitted by Mr. Quitman, and ordered to lie on the table.

Resolved, That the 15th section of the 6th article of the Constitution, under the head of General Provisions, should be stricken out and the following provision inserted:

No member of Congress, nor any person holding any office of profit or trust under the United States, or any other State of the Union, or under any foreign power, shall hold or exercise any office of trust or profit under this State.

Resolved, That the 18th section of the 6th article of the Constitution under the head of General Provisions, should be stricken out.

The Convention then, on motion of Mr. Magee, resumed the consideration of the resolutions reported by the select committee, to whom was referred so much of the Constitution as relates to the Judicial Department of the Government.

When the 21st of said resolutions was read—and the following amendment proposed thereto by Mr. Cain.

Insert after the word "courts" in the third line where the word occurs last, the words to wit: "assessors and collectors."

And the question being put,

It was determined in the negative.

Mr. Howard moved that said resolution be amended as follows:

Strike out the word "four" in the 2d line and insert the word "two."

A division of the question being called for, by Mr. Black,

It was taken on striking out,

And determined in the negative.

The 22d resolution being read—

The following amendment was proposed thereto by Mr. McNabb:

Strike out all after the word "Resolved."

Mr. Scott moved that said resolution be amended as follows:

Strike out the words "five persons" in the first line and insert the words to-wit: "such number of persons as may be prescribed by law."

A division of the question being called for, by Mr. Falconer,

It was taken on striking out,

And determined in the negative.

The question was then taken on the amendment proposed by Mr. McNabb, and determined in the negative.

The 25th, 26th and 28th resolutions were read, and no amendments being proposed, the 29th was read,

When the following amendment thereto was proposed by Mr. Wright.

Strike out the word "either" in the second line, and from the word "or" in the same line to the word "county" in the third line.

And the question being put,

It passed in the affirmative.

Mr. Jefferson moved that said resolution be amended as follows:

Strike out in the third line the words "as may be prescribed by law, and they;" and before the word "shall" insert the word "who."

And the question being taken thereon,

It was decided in the affirmative.

Mr. Cain moved to amend said resolution as follows:

Insert after the word "peace" in the first line the words "and constables."

And the question thereon being taken,

It was determined in the negative.

Mr. Keegan moved that said resolution be amended as follows:

Strike out the word "fifty" in the fifth line, and insert in lieu thereof the words "one hundred."

Mr. Farish called for a division of the question,

When it was taken on striking out,

And determined in the negative.

Yeas 13—Nays 25.

The yeas and nays being demanded by two of the members present;

Those who voted in the affirmative are—

Messrs. Austin, Cain, Granberry, Hurst, Keegan, Kennedy, Lowe, Lynch, McRae, Pendleton, Rose, Scott, Stewart—13.

Those who voted in the negative are—

Messrs. Pray, (president) Bacot, Black, Dickson, Falconer, Farish, Grayson, Greenleaf, Higgason, Howard, Jefferson, Johnson, Jones of Jones, Jones of Pike, Magee, McMillan, McNabb, Pope, Quitman, Redd, Runnels, Seamon, Trotter, Williams, Wright—25.

Mr. Wright moved the following as an amendment to said resolution:

Insert after the word "peace" in the first line the words "and constables;" in the fourth line strike out the word "their" and insert the word "the," and after the word "jurisdiction" insert the words "of Justices of the Peace."

A division of the question being called for by Mr. McNabb,

It was taken first on striking out—

And passed in the affirmative.

It was then taken on inserting,

And decided in the affirmative.

Mr. Pope moved to amend said resolution as follows:

Strike out all after the word "resolved."

And the question being taken thereon,

It was determined in the negative.

Mr. Quitman proposed the following as an amendment to said resolution.

Strike out all after the word "secured" in the 6th line.

And the question being put,

It passed in the affirmative.

Mr. Stewart moved that said resolution be amended as follows:

Strike out all after the word "that" in the first line.

And the question being taken thereon,

It was decided in the negative.

It was then moved, by Mr. Magee, that the Convention do reconsider its vote taken on the amendment proposed by Mr. Quitman, to the 29th resolution.

When a debate arose—;

And the previous question was called for by Mr. Johnson, and being demanded by one third of the members present;

The said previous question was then put, viz;

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the vote taken on the said amendment be reconsidered?

And passed in the affirmative.

The question then recurred on the re-adoption of said amendment—

And being taken,

It was determined in the negative.

The 30th resolution was read—

And the following amendment proposed thereto by Mr. Falconer:

Strike out all after the word "resolved."

And the question being taken thereon,

It was decided in the negative.

The 31st resolution being read—

Mr. Jefferson moved that the same be amended as follows:

Strike out all after the word "districts" in the 4th line to the end of the sentence, and insert the words to wit: "whose term of service shall be prescribed by law."

A division of the question being called for, by Mr. Magee,

It was taken on striking out,

And determined in the negative.

Mr. McRae moved to amend said resolution as follows:

Strike out from the word "state" the second time it occurs in the 2d line to the word "and" in the third line, and insert the words, to wit: "in such manner as may be prescribed by law."

A division of the question being called for by Mr. Farish,

It was taken first on striking out,

And passed in the affirmative.

It was then taken on inserting,

And determined in the negative.

The 32d resolution being read—

Mr. Quitman moved that the same be amended as follows:

Strike out the words "Provided however that" in the 4th line, and the words "Provided further that" in the 6th line.

And the question being put,

It passed in the affirmative.

Mr. Pendleton moved to amend said resolution as follows:

Strike out the word "Supreme" in the first line, and insert the words, to wit: "High Court of Errors and Appeals."

And the question being taken thereon,

It was decided in the affirmative.

The 33d resolution being read—

The following amendment was proposed thereto by Mr. Farish:

Insert after the word "presentment" wherever it occurs, the words "or indictment."

And the question being taken thereon,

It was determined in the negative.

Mr. Quitman moved that said resolution be amended as follows:

Strike out all after the word "Resolved," and insert the words, to wit:

"That all Judges, Clerks, Sheriffs, and other officers of Court for wilful neglect of duty, or misdemeanor in office, shall be liable to presentment or indictment, and upon conviction shall be removed from office."

Then the House adjourned.

Tuesday, October 16, 1832.

The Convention met agreeably to adjournment—

And on motion of Mr. Hurst,

Proceeded to consider the resolution introduced by him, and ordered to lie on the table, in relation to punishments for contempts of court—

Which was ordered again to lie on the table.

The Convention then, on motion of Mr. Magee, resumed the consideration of the resolutions reported by the select committee to whom was referred so much of the Constitution as relates to the Judicial Department of the Government—

And the question recurring on the amendment proposed by Mr. Quitman to the 33d resolution of said report—

It was moved by Mr. Grayson that said amendment be amended as follows:

Strike out the words "or other officers"—

And the question being taken thereon,

It was determined in the negative.

It was then moved by Mr. Dickson to amend said amendment as follows:

Insert after the word "Court," the words, to wit:

"And lawyers and physicians regularly licensed,"

And the question thereon being taken,

It was determined in the negative.

YEAS 13—NAYS 27.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Dickson, Hurst, Jones of Jones, Kennedy, Lynch, Magee, McMillan, McNabb, Pendleton, Pope, Rose, Runnels, Stewart—13.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Black, Cain, Falconer, Farish, Floyd, Granberry, Grayson, Greenleaf, Hicks, Higgason, Howard, Jefferson, Johnson, Jones of Pike, Keegan, Knox, Lowe, McRae, Quitman, Redd, Scott, Seamon, Trotter, Williams—27.

It was then moved by Mr. Keegan that said amendment be amended as follows:

Strike out the words "and other officers of court," and insert in lieu thereof the words, to wit: "Justices of the Peace and all other officers"—

And the question being taken thereon,

It was determined in the negative.

The question was then taken on the amendment proposed by Mr. Quitman—

And determined in the negative.

YEAS 11—NAYS 29.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Bacot, Black, Falconer, Farish, Jefferson, Johnson, McRae, Quitman, Redd, Stewart, Williams—11.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Cain, Dickson, Floyd, Granberry, Grayson, Greenleaf, Hicks, Higgason, Howard, Hurst, Jones, of Jones, Jones of Pike, Keegan, Kennedy, Knox, Lowe, Lynch, Magee, McMillan, McNabb, Pendleton, Pope, Rose, Runnels, Scott, Seamon, Trotter—29.

Mr. Greenleaf moved to amend the 33d of said resolutions as follows:

Insert after the word "however," in the third line, the words, to wit:

"That the causes for which a removal may be had be particularly defined by law, and that"—

And the question being taken thereon,

It was determined in the negative.

Mr. Jefferson moved the following as an amendment to said resolution:

Strike out the words "provided however" in the third line, and the words "provided further" in the fourth and fifth lines.

And the question being put,

It passed in the affirmative.

Mr. Magee moved to amend the 22d of said resolutions as follows:

Insert in the 4th line after the word "police" the words, to wit: "and shall order all county elections to fill vacancies that may occur in the offices of their respective counties."

And the question being put,

It passed in the affirmative.

On motion of Mr. Magee,

It was ordered that the report of the select committee on the Judicial Department of the Government, lie on the table.

On motion of Mr. Magee,

The following resolution was adopted:

Resolved, That the report of the select committee on the Judicial Department of the Government as amended, be referred to a select committee to arrange the same in proper order and form, and report to this Convention; and in pursuance thereto, Messrs. Magee, Scott, Stewart, Quitman and Black were appointed.

Mr. Black submitted the following resolution:

Resolved, That it is expedient that the following section be added to the General Provisions.

Sect. No county or counties shall hereafter be exempted by the Legislature from the operation of any law which is general in its nature and tendency.

Mr. Grayson moved that said resolution lie on the table.

And the question being taken thereon,

It was determined in the negative.

And thereupon, on motion of Mr. Black,

The Convention forthwith resolved itself into a committee of the whole on said resolution; Mr. Grayson in the Chair.

And after some time spent therein, the President resumed the chair,

And Mr. Grayson reported that the committee of the whole had had said resolution under consideration, and had instructed him to report the same without amendment.

Mr. Black moved that said report be received and agreed to.

A division of the question being called for, by Mr. Grayson,

It was taken on receiving said report—

And passed in the affirmative.

It was then ordered, on motion of Mr. Grayson, that the same do lie on the table.

The Convention then, on motion of Mr. Quitman, proceeded in committee of the whole to consider the resolutions proposing to amend the 15th and 18th sections of the 6th article of the Constitution, under the head of General Provisions—Mr. Trotter in the chair.

Mr. McNabb moved, that the first of said resolutions be amended as follows, which was acceded to, by Mr. Quitman:

Insert after the word "States" the words "the office of Post-Master."

Mr. Scott moved to amend the second of said resolutions as follows, which was acceded to by Mr. Quitman.

Strike out all after the word "resolved" and insert the words, to wit: "That the 18th section of the 6th article be so amended as to read as follows:

Returns of all elections for officers who are to be commissioned by the Governor, and for members of the Legislature, shall be made to the Secretary of State."

The committee of the whole then, on motion of Mr. Magee, rose, and the President resumed the chair; when

Mr. Trotter reported that the committee of the whole had had said resolutions under consideration, had made some amendments thereto, and had instructed him to report the same as amended.

Mr. Trotter moved that said report be received and agreed to.

A division of the question being called for, by Mr. Keegan,

It was taken first on receiving said report,

And passed in the affirmative.

It was then taken on agreeing to said report,

And passed in the affirmative.

It was then ordered, on motion of Mr. Quitman, that said report be referred to the select committee, to whom was referred the report of the committee on the General Provisions of the Constitution.

And then the House adjourned 'till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment—

When the following resolution was submitted by Mr. Lowe:

Resolved, That a county treasurer, county surveyor, and Ranger, be elected in each county by the qualified voters thereof, who shall hold their offices for two years, unless sooner removed.

On motion of Mr. Redd,

It was ordered that said resolution lie on the table.

The Hon. Stephen Duncan, a member from the county of Adams, and the Hon. Thomas Freeland, a member from the county of Claiborne, appeared and took their seats in the hall.

It was ordered, on motion of Mr. Seamon, that the Hon. J. J. H. Morris be excused from farther attendance on the Convention, during his indisposition.

And, on motion of Mr. Keegan,

It was ordered that the Hon. Dougal McLaughlin be excused from further attendance on the Convention during his indisposition.

Mr. Runnels moved that there be a call of the House—

And the question being put,

It passed in the affirmative.

The roll of the members was then called by the Secretary:

When it appeared that the following named members answered to their names:

Messrs. Austin, Bacot, Black, Dickson, Duncan, Falconer, Farish, Floyd, Freeland, Granberry, Howard, Hurst, Johnson, Jones, of Jones, Keegan, Kennedy, Knox, Lowe, Lynch, McNabb, McRae, Pope, Quitman, Redd, Rose, Runnels, Scott, Seamon, Stewart, Trotter, Williams—31:

On motion of Mr. Redd,

The Sergeant-at-Arms was sent for the absent members.

On motion of Mr. Hurst,

The Convention proceeded, in committee of the whole, to consider the resolution in relation to punishments for contempts of court; Mr. Dickson in the Chair.

Mr. Black moved to amend said resolution as follows:

Strike out from the word "Resolved"—

And the question being put,

It passed in the affirmative.

The committee, then, on motion of Mr. Black, rose, and the President resumed the chair; when

Mr. Dickson reported that the committee of the whole had had said resolution under consideration, had made an amendment thereto, and had instructed him to report the same as amended.

Mr. Dickson moved that said report be received—

And the question being put,

It passed in the affirmative.

It was then ordered, on motion of Mr. Black, that said report be agreed to.

Mr. Farish moved that said report be indefinitely postponed.

Mr. Redd moved that the same do lie on the table—

And the question being taken thereon;

It was determined in the negative.

The question was then taken on the motion made by Mr. Farish to postpone said report indefinitely—

And passed in the affirmative.

The Convention then, on motion of Mr. Hurst, proceeded *again*, in committee of the whole, to consider the resolutions proposing to strike out the 6th section of the 5th article of the Constitution, and vesting equity jurisdiction in the Circuit Courts; Mr. Quitman in the Chair.

Mr. Stewart moved to amend the second of said resolutions as follows:

Strike out all after the word "respectively"—

And the question being taken thereon,

It was determined in the negative.

YEAS 11—NAYS 30.

The yeas and nays being demanded by two of the members present;

Those who voted in the affirmative are—

Messrs. Cain, Farish, Granberry, Hicks, Higgason, Johnson, Jones of Pike, Kennedy, Pope, Rose, Stewart—11.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Bacot, Black, Dickson, Duncan, Falconer, Floyd, Freeland, Grayson, Greenleaf, Howard, Hurst, Jefferson, Jones of Jones, Keegan, Knox, Lowe, Lynch, Magee, McMillan, McRae, Pendleton, Quitman, Redd, Runnels, Scott, Seamon, Trotter, Williams—30.

Mr. Farish moved to amend the second of said resolutions, by adding at the end thereof the words following, to wit:

"Provided, nevertheless, that should the Legislature hereafter establish a separate Court of Chancery, the Chancellor thereof shall be elected by the qualified electors of the State for the term of four years."

Mr. Redd moved to amend said amendment as follows:

Strike out the word "four," and insert in lieu thereof the word "six;"

And the question being taken thereon,

It was determined in the negative.

Mr. Freeland moved that said amendment be amended as follows:

After the word "by," in the 4th line, insert the words, to wit: "a majority of"—

And the question being taken thereon,

It was decided in the negative.

The question was then taken on the amendment proposed by Mr. Farish—

And passed in the affirmative.

Mr. Pendleton moved to amend the second of said resolutions as follows:

Strike out the words "Circuit Courts respectively," and insert the words, to wit:

"The present Chancery Court as now established by law."—

And the question being taken thereon,

It was determined in the negative.

Mr. Keegan moved to amend said resolutions as follows:

Strike out after the first resolve, and insert the words, to wit:

"That there should be established in the Constitution a separate Superior Court of Equity, which should have the entire original jurisdiction in matters of equity; but the Legislature shall have power to give to the Circuit Courts in each county equity jurisdiction, where the amount in controversy does not exceed five hundred dollars: also, in cases of divorce, and foreclosure of mortgages."

"Resolved, That it is expedient to insert in the Constitution that the Chancellor shall be elected by the qualified electors of the State for the term of four years."

A debate arose—

When the previous question was called for, by Mr. Johnson,

And being demanded by one-third of the members present—

The said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the amendment proposed by Mr. Keegan be adopted?

And passed in the affirmative.

Yeas 22—Nays 18.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Austin, Black, Falconer, Floyd, Grayson, Greenleaf, Hicks, Jones of Jones, Keegan, Knox, Lowe, Lynch, Magee, McMillan, McRae, Pendleton, Quitman, Redd, Runnels, Scott, Seamon —22.

Those who voted in the negative are—

Messrs. Bacot, Cain, Dickson, Duncan, Farish, Freeland, Granberry, Higgason, Hurst, Jefferson, Johnson, Jones of Pike, Kennedy, Pope, Rose, Stewart, Trotter, Williams—18.

The committee then, on motion of Mr. Magee, rose, and the President resumed the chair; when

Mr. Quitman reported that the committee of the whole had had said resolutions under consideration, had made sundry amendments thereto, and had instructed him to report the same as amended.

Mr. Quitman moved that said report be received and agreed to.

A division of the question being called for by Mr. Stewart,

It was taken first on receiving said report,

And passed in the affirmative.

It was then moved by Mr. Dickson that the same do lie on the table,

And the question being taken thereon,

It was determined in the negative.

The question was then taken on agreeing to said report—

And passed in the affirmative.

It was then ordered, on motion of Mr. Quitman, that said report be referred to the select committee to whom was referred the resolutions reported by the committee on the Judicial Department of the Government.

Mr. Hurst submitted the following resolutions:

1. Resolved, That this Constitution, and the acts of the Legislature which shall be made under the authority of the State of Mississippi, shall be the supreme law of the State; and the judges shall be bound thereby, any Constitution or law of any State or nation to the contrary notwithstanding.

2. Resolved, That all powers not herein restricted are reserved to the *people.*

Mr. Greyson moved that said resolution be indefinitely postponed.

Mr. Hurst moved that the same do lie on the table.

And the question being put,

It passed in the affirmative.

Then the House adjourned.

Wednesday, October 17, 1832.

The Convention met pursuant to adjournment—

When the following resolution was submitted by Mr. Quitman, and ordered to lie on the table.

Resolved, That it is inexpedient to retain in the amended Constitution the 9th section of the 6th article under the head of General Provisions.

Mr. Hurst called for the consideration of the resolution in relation to the introduction of slaves into this State;

Which call being sustained by the Convention—

It was moved, by Mr. Runnels, that there be a call of the House,

And the question being taken thereon,

It passed in the affirmative.

The roll of the members was then called by the Secretary, when it appeared that the following named members answered to their names:

Messrs. Austin, Cain, Dickson, Duncan, Falconer, Farish, Floyd, Freeland, Granberry, Grayson, Greenleaf, Hicks, Howard, Hurst, Jefferson, Johnson, Jones of Jones, Jones of Pike, Keegan, Kennedy, Lowe, Lynch, Magee, McMillan, McNabb, McRae, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Scott, Seamon, Stewart, Trotter, Williams, Wright—38.

The absent members were, by order of the House, sent for, and having appeared and taken their seats in the hall of the House, the Convention proceeded to consider the said resolution; when—

On motion of Mr. Hurst,

It was ordered that the same do lie on the table.

Mr. Dickson made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of Greenwood Laflore, a native of the Choctaw nation of Indians, have had the same under consideration, and a majority of the committee have instructed me to report the following resolutions:

1. Resolved, That all the rights, privileges and immunities of a free white citizen of this State be extended to Greenwood Laflore, a descendant of the Choctaw tribe of Indians, upon his taking in some court of record of this State the oath prescribed by the laws of the United States, in relation to the naturalization of foreigners.

2. Resolved, That the Legislature should have power to admit to all the rights and privileges of free white citizens of this State, all such persons of the Choctaw and Chickasaw tribes of Indians as shall choose to remain in this State, upon such terms as the Legislature may from time to time deem proper.

On motion of Mr. Dickson,

It was ordered that said report be received, and that the same be committed to a committee of the whole House, and made the order of the day for to-morrow.

Mr. Wright submitted the following resolution, which—

On motion of Mr. Stewart,

Was ordered to lie on the table.

Resolved, That permanent boundaries of counties, and seats of justice for the respective counties shall be provided for by law at the session of the Legislature in the year 1839.

Mr. Duncan submitted the following resolution:

Resolved, That from and after the first day of May, 1833, no slaves shall be brought into this State for sale or hire—but the Legislature shall not prohibit until after the year 1845, *bona fide* resident citizens from bringing into this State for the purposes of agriculture, mechanic labor, or family use, slaves obtained by purchase or otherwise in other States; nor shall emigrants be prohibited from bringing with them their slaves for similar purposes, but in neither case shall such slaves be sold or hired until three years after the date of their introduction.

On motion of Mr. Black,

It was ordered that said resolution lie on the table.

On motion of Mr. Howard,

The Convention proceeded to consider the resolution in relation to the election of a county treasurer, county surveyor and ranger.

And, thereupon,

On motion of Mr. Black,

The Convention forthwith resolved itself into a committee of the whole on said resolution; Mr. Trotter in the chair.

It was then moved, by Mr. Farish, that said resolution be amended as follows:

Strike out all after the word "Resolved."

A debate arose—

When the previous question was called for by Mr. Johnson, and being demanded by one third of the members present, the said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the amendment proposed by Mr. Farish be adopted?

And was determined in the negative.

YEAS, 20—NAYS, 23.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Austin, Bacot, Dickson, Duncan, Farish, Freeland, Grayson, Greenleaf, Hicks, Hurst, Jefferson, Kennedy, Knox, McMillan, Pendleton, Redd, Runnels, Scott, Williams—20.

Those who voted in the negative are—

Messrs. Black, Cain, Falconer, Floyd, Granberry, Higgason, Howard, Johnson, Jones of Jones, Jones of Pike, Keegan, Lowe, Lynch, Magee, McNabb, McRae, Pope, Quitman, Rose, Seamon, Stewart, Trotter, Wright—23.

Mr. Stewart having voted in the affirmative on the question of adoption of said amendment, asked leave to change his vote to the negative side of the question.

Mr. Farish opposed the transfer of said vote.

And the question being taken thereon,

It passed in the affirmative.

The Secretary then, in pursuance to the order of the chairman, transfered the name of Mr. Stewart to the negative side of said question.

A motion was then made by Mr. Howard, that the committee rise and report said resolution without amendment.

And the question being taken thereon,

It was determined in the negative.

It was then moved, by Mr. Hurst, that said resolution be amended as follows;

Strike out the words "qualified voters thereof" and insert the words "board of county police."

Mr. Magee moved to amend said amendment as follows, which Mr. Hurst said he would accede to.

Insert before the words "board of county police" the words "by order of."

Mr. Pray, (President,) said that he was opposed to said amendment, and would resist its being acceded to by Mr. Hurst—that the amendment proposed by him being in possession of the House at the time it was proposed to be amended, could not be amended without the concurrence of the House.

The chairman of the committee having sustained the objections of Mr. Pray, (President,) and the previous question having been called for by Mr. Johnson, and demanded by one third of the members present, the said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the amendment proposed by Mr. Hurst be adopted?

And determined in the negative.

YEAS 18—NAYS 25.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Austin, Dickson, Duncan, Falconer, Farish, Floyd, Freeland, Greenleaf, Hicks, Hurst, Jefferson, Johnson, Knox, McMillan, McRae, Redd, Runnels, Williams—18.

Those who voted in the negative are—

Messrs. Pray, (President,) Bacot, Black, Cain, Granberry, Grayson, Higgason, Howard, Jones of Jones, Jones of Pike, Keegan, Kennedy, Lowe, Lynch, Magee, McNabb, Pendleton, Pope, Quitman, Rose, Scott, Seamon, Stewart, Trotter, Wright—25.

Mr. Howard said that as the gentleman from the district composed of the counties of Amite and Franklin, had charged him with having acted inconsistently in the vote last given, he asked leave to explain to the committee.

And the question, on motion of Mr. Farish, being taken,

It passed in the affirmative.

Mr. Howard was then permitted to explain.

The committee then, on motion of Mr. Black, rose, and the President resumed the chair, when Mr. Trotter reported that the committee of the whole had had said resolution under consideration, and had instructed him to report the same without amendment.

On motion of Mr. Trotter,

It was ordered that said report be received.

It was then moved by Mr. Stewart that said report lie on the table.

And the question being taken thereon,

It was determined in the negative.

It was then moved by Mr. Stewart, that the said report be indefinitely postponed—

And the question being put,

It was decided in the negative.

Yeas 17—Nays 25.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Austin, Bacot, Dickson, Floyd, Greenleaf, Hicks, Hurst, Jefferson, Johnson, Kennedy, Knox, McMillan, Pendleton, Rose, Runnels, Scott, Williams—17.

Those who voted in the negative are—

Messrs. Pray, (President,) Black, Cain, Duncan, Falconer, Farish, Freeland, Granberry, Grayson, Higgason, Howard, Jones of Jones, Jones of Pike, Keegan, Lowe, Lynch, Magee, McNabb, McRae, Pope, Quitman, Redd, Seamon, Trotter, Wright—25.

The question was then taken on agreeing to said report,

And passed in the affirmative.

Whereupon,

On motion of Mr. Black,

It was ordered that said report be referred to the select committee, to whom was referred the report of the committee on the Executive Department of the Constitution.

On motion of Mr. Johnson,

The Convention proceeded to consider the report of the select committee to whom was referred the duty of arranging the amendments and changes in the Declaration of Rights, and resolutions relating thereto, which was read the first time.

On motion of Mr. Farish,

The rule was dispensed with, and said report was read the second time.

And thereupon,

On motion of Mr. Johnson,

It was ordered that said report be committed to a committee of the whole, and made the order of the day for two o'clock, P. M. on this day.

The Hon. Russel M. Williamson, the member from the county of Madison, appeared and took his seat in the hall.

On motion of Mr. Farish,

The Convention proceeded to consider the resolution proposing to submit all amendments and changes which may be made by this Convention to the Constitution of this State, for the approval or disapproval of the people.

Mr. Keegan moved that said resolution lie on the table.

And the question being taken thereon,

It was decided in the negative.

A motion was then made, by Mr. Farish, that the Convention adjourn until two o'clock, P. M.

And the question being put,

It was determined in the negative.

Mr. Hurst moved that said resolution be postponed indefinitely.

Mr. Howard moved that its farther consideration be postponed until Monday next.

And the question being taken thereon,

It was determined in the negative.

Then the House adjourned 'till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met agreeably to adjournment.

When the report of the select committee to whom was referred the duty of arranging the amendments and changes in the Declaration of Rights, and resolutions relating thereto, being in order for a committee of the whole, it was ordered, on motion of Mr. Quitman, that the order on said report be postponed until to-morrow.

Mr. Farish made the following report:

Mr. PRESIDENT:

The committee to whom was referred the report of the committee on the Legislative Department of the Government, with the amendments made thereto, in committee of the whole, and in the House, together with all matters of the Constitution under the head of Legislative Department, and not embraced in said report, to revise and place in form, beg leave to present the following report:

ARTICLE III.

LEGISLATIVE DEPARTMENT.

Sec. 1st. Every free white male person, of the age of twenty one years or upwards, who shall be a citizen of the United States, and shall have resided in this State one year next preceding an election, and the last four months within the county, city or town in which he offers to vote, shall be deemed a qualified elector; and any such qualified elector who may happen to be in any county, city or town, other than that of his residence, at the time of an election, may vote for any State or District officer, or members of Congress, for whom he could have voted in the county of his residence.

Sec. 2nd. Electors shall in all cases, except in those of treason, felony or breach of the peace, be privileged from arrest, during their attendance at elections, and in going to and returning from the same.

Sec. 3rd. The first election shall be by ballot, and all future elections by the people shall be regulated by law.

Sec. 4th. The legislative power of this State shall be vested in two distinct branches; the one to be styled "the Senate," the other "the House of Representatives," and both together, "the Legislature of the State of Mississippi;" and the style of their laws shall be, "Be it enacted by the Legislature of the State of Mississippi."

Sec. 5th. The members of the House of Representatives shall be chosen by the qualified electors, and shall serve for the term of two years from the day of the commencement of the general election, and no longer.

Sec. 6th. The Representatives shall be chosen every two years, on the first Monday and day following in November.

Sec. 7th. No person shall be a Representative, unless he be a citizen of the United States, and shall have been an inhabitant of this State two years next preceding his election, and the last year thereof a resident of the county, city or town for which he shall be chosen, and shall have attained the age of twenty-one years.

Sec. 8th. Elections for Representatives for the several counties shall be held at the places of holding their respective courts, or in the several election districts into which the Legislature may divide any county: *Provided*, That when it shall appear to the Legislature that any city or town hath a number of free white inhabitants, equal to the ratio then fixed, such city or town shall have a seperate representation, according to the number of free white inhabitants therein, which shall be retained so long as such city or town shall contain a number of free white inhabitants equal to the existing ratio; and thereafter, and during the existence of the right of separate representation in such city or town, elections for the county in which such city or town entitled to a separate representation is situated, shall not be held in such city or town: *And provided*, That if the residuum or fraction of any city or town, entitled to separate representation, shall, when added to the residuum in the county in which it may lie, be equal to the ratio fixed by law, for one Representative, then the aforesaid county, city or town having the largest residuum, shall be entitled to such representation: *And provided, also*, That when there are two or more counties adjoining, which have residuums over and above the ratio then fixed by law, if said residuums, when added together, will amount to such ratio, in that case one representative shall be added to that county having the largest residuum.

Sec. 9th. The Legislature shall, at their first session, and at periods of not less than every four, nor more than every six years, until the year eighteen hundred and forty-five, and thereafter at periods of not less than every four, nor more than every eight years, cause an enumeration to be made of all the free white inhabitants of this State; and the whole number of Representatives shall, at the several periods of making such enumeration, be fixed by the Legislature, and apportioned among the several counties cities or towns entitled to separate representation, according to the number of free white inhabitants in each, and shall not be less than thirty-six, nor more than one hundred: *Provided, however*, That each county shall always be entitled to at least one Representative.

Sec. 10th. The whole number of Senators shall, at the several periods of making the enumeration before mentioned, be fixed by the Legislature, and apportioned among the several districts to be established by law, according to the number of free white inhabitants in each, and shall never be less than one-fourth, nor more than one-third of the whole number of Representatives.

Sec. 11th. The Senators shall be chosen by the qualified electors, for four years, and on their being convened, in consequence of the first election, they shall be divided by lot, from their respective districts, into two classes, as nearly equal as can be; and the seats of the Senators of the first class shall be vacated at the expiration of the second year.

Sec. 12th. Such mode of classifying new additional Senators shall be observed, as will, as nearly as possible, preserve an equality of numbers in each class.

Sec. 13th. When a Senatorial District shall be composed of two or more counties, it shall not be entirely separated by any county belonging to another district, and no county shall be divided in forming a district.

Sec. 14th. No person shall be a Senator unless he be a citizen of the United States, and shall have been an inhabitant of the State four years next preceding his election, and the last year thereof a resident of the District for which he shall be chosen, and have attained to the age of thirty years.

Sec. 15th. The House of Representatives, when assembled, shall choose a Speaker and its officers, and the Senate shall choose a President and its officers, and each House shall judge of the qualifications and elections of its own members; but a contested election shall be determined in such manner as shall be directed by law. A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each House may provide.

Sec. 16th. Each House may determine the rules of its own proceeding, punish members for disorderly behavior, and with the consent of two-thirds, expel a member, but not a second time for the same offence, and shall have all other powers necessary for a branch of the Legislature of a free and independent State.

Sec. 17th. Each House shall keep a journal of its proceeding and publish the same, and the yeas and nays of the members of either House on any question, shall at the desire of any three members present, be entered on the journals.

Sec. 18. When vacancies happen in either House, the Governor, or the person exercising the powers of the Governor, shall issue writs of election to fill such vacancies.

Sec. 19th. Senators and Representatives shall, in all cases, except of treason, felony or breach of the peace, be privileged from arrest, during the session of the Legislature, and in going to and returning from the same, allowing one day for every twenty miles such member may reside from the place at which the Legislature is convened.

Sec. 20th. Each House may punish, by imprisonment during the session, any person not a member, for disrespectful or disorderly behavior in its presence, or for obstructing any of its proceedings: *Provided* such imprisonment shall not, at any time, exceed forty-eight hours.

Sec. 21ss. The doors of each House shall be open, except on such occasions of great emergency as, in the opinion of the House, may require secrecy.

Sec. 22nd. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

Sec, 23rd. Bills may originate in either House, and be amended, altered or rejected by the other; but no bill shall have the force of a law until, on three several days, it be read in each House, and free discussion be allowed thereon, unless in cases of urgency, four-fifths of the House in which the bill shall be pending, may deem it expedient to dispense with this rule; and every bill having passed both Houses, shall be signed by the Speaker and President of their respective Houses.

Sec. 24th. All bills for raising revenue, shall originate in the House of Representatives, but the Senate may amend or reject them, as other bills.

Sec. 25th. Each member of the Legislature shall receive from the public Treasury, a compensation for his services, which may be increased or diminished by law, but no increase of compensation shall take effect during the session at which such increase shall have been made.

Sec. 26th. No Senator or Representative shall, during the term for which he shall have been elected, nor for one year thereafter, be appointed to any civil office of profit under this State which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by elections by the people; and no member of either House of the Legislature shall, after the commencement of the first session of the Legislature after his election, and during the remainder of the term for which he is elected, be eligible to any office or place, the appointment to which may be made in whole or in part by either branch of the Legislature.

Sec. 27th. No Judge of any Court of Law or Equity, Secretary of State, Attorney General, Clerk of any Court of Record, Sheriff or Collector, or any person holding a lucrative office under the United States or this State, shall be eligible to the Legislature: *Provided*, That offices in the militia, to which there is attached no annual salary, or the office of Justice of the Peace, shall not be deemed lucrative.

Sec. 28th. No person who hath heretofore been, or may hereafter be a collector or holder of public moneys, shall have a seat in either House of the Legislature, until such person shall have accounted for and paid into the Treasury all sums for which he may be accountable.

Sec. 29th. The first election for Senators and Representatives shall be general throughout the State, and shall be held on the first Monday and day following in November, and thereafter there shall be biennial elections for Senators to fill the places of those whose term of service may have expired.

Sec. 30th. The first and all future sessions of the Legislature shall be held in the town of Jackson, in the county of Hinds, until the year 1850. During the first session thereafter, the Legislature shall have power to designate by law the permanent Seat of Government: *Provided, however*, That unless such designation be then made by law, the Seat of Government shall continue permanently at the town of Jackson. The first session sion shall commence on the third Monday in November, in the year 1833, and in every two years thereafter, at such time as may be prescribed by law.

Sec. 31st. The Governor, Secretary of State, Treasurer, Auditor of Public Accounts and Attorney General, shall reside at the Seat of Government.

On motion of Mr. Farish,

It was ordered that said report be received, and that the same do lie on the table.

Mr. Quitman submitted the following resolution:

Resolved, That the following be adopted as a rule of this Convention:

After the several revisions, changes and amendments to the Constitution shall have been passed by the Convention, the whole Constitution, as amended, shall be read on three several days, (unless dispensed with according to the 23rd rule,) and be put upon its final passage, and the vote thereon shall be taken by ayes and noes.

On motion of Mr. Stewart,

The Convention resumed the consideration of the resolution proposing to submit all amendments and changes which may be made by this Convention to the Constitution of this State for the approval or disapproval of the people.

And the question recurring on the motion made by Mr Hurst, for an indefinite postponement of said resolution,

A debate arose—

When the previous question was called for by Mr. Johnson;

And being demanded by one-third of the members present,

The said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the resolution be indefinitely postponed?

And passed in the affirmative.

YEAS 25—NAYS 19.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs Pray, (President,) Austin, Bacot, Cain, Dickson, Floyd, Granberry, Hicks, Higgason, Hurst, Johnson, Jones of Jones, Keegan, Kennedy, Lowe, Lynch, Magee, McLaughlin, McMillan, Redd, Rose, Runnels, Scott, Trotter, Williamson—25.

Those who voted in the negative are—

Messrs. Black, Duncan, Falconer, Farish, Freeland, Grayson, Greenleaf, Howard, Jefferson, Jones of Pike, Morris, McRae, Pendleton, Pope, Quitman, Seaman, Stewart, Williams, Wright—19.

Mr. Quitman moved a reconsideration of the vote taken on agreeing to the report of the committee of the whole, on the resolutions proposing amendments to the 15th and 18th sections of the 6th article of the Constitution, under the head of General Provisions.

And the question being put,

It passed in the affirmative—

Then the House adjourned.

Thursday, October 18, 1832.

The Convention met agreeably to adjournment—

When Mr. Floyd moved that the following resolution be adopted:

Resolved, That the printer be required to furnish fifty copies of the amended reports as they come from the select committees, for the use of this House.

And the question being taken thereon,

It was determined in the negative.

The Convention, in pursuance to the order of the day, resolved itself into a committee of the whole on the report of the select committee, to whom was referred the petition of Greenwood Laflore, a native of the Choctaw nation of Indians; Mr. Scott in the chair.

When the following amendment was proposed thereto by Mr. Wright.

Strike out the whole of said report from the word "to" in the third line of the first resolution, and insert the words, to wit:

"All such persons called Indians and their descendants, on such terms and conditions as shall be prescribed by law."

After debate—

The previous question was called for by Mr. Johnson, but was not sustained by one third of the members present.

It was then moved, by Mr. Hurst, to amend the amendment proposed by Mr. Wright as follows, which was acceded to by Mr. Wright.

Strike out the word "law" and insert in lieu thereof the words "the Legislature."

Mr. Trotter moved to amend said amendment as follows, which was also acceded to by Mr. Wright.

Strike out after the word "descendants" and insert the words, to wit: "as now reside within the limits of this State."

A motion was then made, by Mr. Stewart, that the committee rise, report progress, and ask leave to sit again.

And the question being taken thereon,

It was determined in the negative.

The question was then taken on Mr. Wright's amendment as amended,

And determined in the negative.

YEAS 4—NAYS 39.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Bacot, Higgason, Trotter, Wright—4.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Black, Cain, Dickson, Duncan, Falconer, Farish, Floyd, Freeland, Granberry, Grayson, Greenleaf, Hicks, Howard, Hurst, Jefferson, Johnson, Jones of Jones, Jones of Pike, Keegan, Kennedy, Knox, Lowe, Magee, McLaughlin, McMillan, McRae, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Scott, Seamon, Stewart, Williams, Williamson—39.

It was then further moved, by Mr. Wright, to amend the said first resolution of said report as follows:

Strike out all after the word "resolved."

And the question being taken thereon,

It was determined in the negative.

YEAS, 18—NAYS, 26.

The yeas and nays being demanded by two of the members present;

Those who voted in the affirmative are—

Messrs. Pray, (President,) Cain, Grayson, Higgason, Hurst, Jefferson, Jones of Pike, Lowe, Lynch, Pendleton, Pope, Scott, Seamon, Stewart, Trotter, Williams, Williamson, Wright—18.

Those who voted in the negative are—

Messrs. Austin, Bacot, Black, Dickson, Duncan, Falconer, Farish, Floyd, Freeland, Granberry, Greenleaf, Hicks, Howard, Johnson, Jones of Jones, Keegan, Kennedy, Knox, Magee, McLaughlin, McMillan, McRae, Quitman, Redd, Rose, Runnels—26.

Mr. Grayson moved to amend the second resolution in said report as follows:

Strike out the whole of said resolution from the word "resolved."

A debate arose—

When the previous question was called for by Mr. Duncan, and being demanded by one third of the members present, the said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the amendment be adopted?

And determined in the negative.

YEAS, 9—NAYS, 34.

The yeas and nays being demanded by two of the members present;

Those who voted in the affirmative are—

Messrs. Cain, Freeland, Grayson, Lowe, Lynch, Pope, Seamon, Stewart, Williams—9.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Black, Dickson, Duncan, Falconer, Farish, Floyd, Granberry, Greenleaf, Hicks, Higgason, Howard, Hurst, Jefferson, Johnson, Jones of Jones, Jones of Pike, Keegan, Kennedy, Knox, Magee, McLaughlin, McRae, Pendleton, Quitman, Redd, Rose, Runnels, Scott, Trotter, Williamson, Wright—34.

The committee then, on motion of Mr. Farish, rose, and the President resumed the chair; when Mr. Scott reported that the committee of the whole had had the report of the select committee to whom was referred the petition of Greenwood Laflore, a native of the Choctaw nation of Indians, under consideration, and had instructed him to report the same without amendment.

On motion of Mr. Scott,

It was ordered that said report be received.

Mr. Scott then moved that the same be agreed to.

Mr. Stewart moved its indefinite postponement.

And the question being taken thereon,

It was determined in the negative.

The question then recurred on Mr. Scott's motion to agree to said report.

When a division of the question on the resolutions therein embraced, being called for by Mr. Keegan;

The vote was first taken on agreeing to the first resolution in said report,

And determined in the negative.

It was then taken on agreeing to the second resolution of said report,

And passed in the affirmative.

A motion was then made, by Mr. Stewart, that said report lie on the table.

And the question being taken thereon,

It was determined in the negative.

Whereupon, on motion of Mr. Quitman,

It was ordered that said report be referred to the select committee to whom was referred the report of the committee on so much of the Constitution as relates to the General Provisions of the Government.

On motion of Mr. Dickson,

It was ordered that Mr. McNabb be excused from attendance on the Convention during his indisposition.

Mr. Duncan submitted the following resolution, which was ordered to lie on the table.

Resolved, That the following be substituted for the 9th section of General Provisions.

The Legislature may from time to time incorporate public and private banking insurance and loan office companies; but the faith of the State shall never be pledged for the payment of loans for the creation of banks unless the same be obtained at an interest not exceeding five per cent per annum, and the bonds of the State be sold at their *par value.*

In pursuance to the order of the day, the Convention resolved itself into a committee of the whole on the report of the select committee, to whom was referred the duty of arranging the amendments and changes in the Declaration of Rights, and resolutions relating thereto; Mr. Grayson in the chair.

The first section of said report being read—

Mr. Pendleton moved that the same be amended as follows:

Strike out all after the word "privileges."

And the question being taken thereon,

It was determined in the negative.

The 2nd, 3rd, 4th, 5th, 6th, 7th and 8th sections of said report being read, and no amendments proposed;

The 9th was read—

When Mr. Jefferson moved the following amendment thereto.

Strike out the word "and" after the word "seizures" in the third line, and insert the word "or" in lieu thereof.

And the question being taken thereon,

It was determined in the negative.

The 10th section being read—

Mr. Redd moved that the same be amended as follows:

Insert after the word "life" in the 12th line the word "limb."

And the question being taken thereon,

It was decided in the negative.

The 11th, 12th, 13th, 14th, 15th, 16th and 17th sections being read, and no amendments proposed;

The 18th was read—

When the following amendment thereto was proposed by Mr. Greenleaf.

Strike out in the 2d line the words "strong presumption" and insert the words "conclusive evidence."

And the question being taken thereon,

It was determined in the negative.

Mr. Johnson moved that the first section of said report be amended as follows:

Strike out from the word "that" in the first line and insert the words, to wit: "The Legislature shall pass no law authorizing imprisonment for debt, except in cases of fraud."

Mr. Trotter moved to amend said amendment as follows, which was acceded to by Mr. Johnson.

Insert after the word "debt" the words, to wit: "on process of execution."

The question then recurred on the amendment proposed by Mr. Johnson as amended,

When a division of the question being called for, by Mr. Quitman,

It was taken on striking out,

And determined in the negative.

The 19th section being read, and no amendment proposed;

The 20th was read—

When Mr. Johnson moved that the whole of said section be stricken out,

And the question being taken thereon,

It was determined in the negative.

YEAS 4—NAYS 38.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Duncan, Farish, Johnson, McLaughlin—4.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Black, Cain, Dickson, Falconer, Floyd, Freeland, Granberry, Grayson, Greenleaf, Hicks, Higgason, Howard, Hurst, Jefferson, Jones of Jones, Jones of Pike, Keegan, Kennedy, Knox, Lowe, Lynch, Magee, McMillan, McRae, Pope, Quitman, Redd, Rose, Runnels, Scott, Seamon, Trotter, Williams, Williamson, Wright—38.

The 21st, 22d, 23d, 24th, 25th and 26th sections were read, and no amendments being proposed;

The 27th was read—

When it was moved by Mr. Keegan that the same be amended, by adding at the end thereof the words following, to wit:

"Nor shall any free white citizen of this State ever be exiled under any pretence whatever"

And the question being put,

It passed in the affirmative.

The 28th, 29th and 30th sections, together with the conclusion thereto annexed being read, and no amendments proposed—

The committee, on motion of Mr. Hurst, then rose, and the President resumed the chair, when Mr. Grayson reported that the committee of the whole had had the report of the select committee to whom was referred the duty of arranging the amendments and changes in the Declaration of Rights, and resolutions relating thereto, under consideration; had made an amendment thereto, and had instructed him to report the same as amended.

On motion of Mr. Grayson,

It was ordered that said report be received and agreed to.

On motion of Mr. Keegan,

It was ordered that the rule be dispensed with, and said report together with the amendment considered as engrossed and made the order of the day for a third reading on to morrow.

Then the House adjourned 'till two o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment—

When the resolution proposing the adoption of an additional rule for the government of the House, was read a second time and adopted.

The Convention then, on motion of Mr. Keegan, proceeded in committee of the whole to consider the resolution proposing to strike out the 2d section of the General Provisions of the Constitution, under the head of slaves; Mr. Pendleton in the chair.

And after some time spent therein the committee rose, and the President resumed the chair; when Mr. Pendleton reported that the committee of the whole had had said resolution under consideration, and had instructed him to report the same without amendment.

On motion of Mr. Pendleton,

It was ordered that said report be received.

On motion of Mr. Keegan,

It was ordered that the same be agreed to and referred to the select committee to whom was referred the report of the committee on the Judicial Department of the Constitution.

On motion of Mr. Stewart,

The vote taken on the reference of said report was reconsidered.

When, on motion of Mr. Redd, it was ordered that the said report be referred to the select committee to whom was referred the report of the committee on the General Provisions of the Constitution.

On motion of Mr. Farish,

The Convention proceeded to consider the resolution submitted by Mr. Hurst, declaring the Constitution of the State of Mississippi and the acts of the Legislature which may be made under its authority, to be the supreme law of the State.

Whereupon,

It was ordered, on motion of Mr. Hurst, that said resolution lie on the table.

On motion of Mr. Wright,

The Convention proceeded in committee of the whole, to consider the resolution proposing that permanent boundaries of counties and seats of justice for the several counties in this State, shall be established by the Legislature in the year 1839; Mr. Higgason in the chair.

Mr. Stewart moved that said resolution be amended as follows:

Strike out the whole of said resolution after the word "Resolved."

And the question being put,

It passed in the affirmative.

The committee then, on motion of Mr. Stewart, rose, and the President resumed the chair; when Mr. Higgason reported that the committee of the whole had had said resolution under consideration, had made an amendment thereto, and had instructed him to report the same as amended

On motion of Mr. Higgason,

It was ordered that said report be received.

A motion was then made, by Mr. Higgason, that the same be agreed to.

And the question being taken thereon,

It was determined in the negative.

It was then ordered, on motion of Mr. Redd, that said report lie on the table.

On motion of Mr. Johnson,

The Convention proceeded to consider the report of the select committee on the Legislative Department of the Constutution.

And thereupon,

Said report was read the first time.

Mr. Johnson moved that the rule be dispensed with and that said report be read a second time *forthwith*.

And the question being taken thereon,

It was determined in the negative.

Whereupon,

It was ordered that said report be made the order of the day for its second reading on to-morrow.

On motion of Mr. Quitman,

The Convention proceeded to consider the report of the committee of the whole on the resolutions proposing to amend the 15th and 18th sections of the sixth article of the Constitution, under the head of General Provisions.

When the question recurred on agreeing to said report—

And a division thereof being called for by Mr. Quitman,

It was first taken on agreeing to the report of the first resolution,

And passed in the affirmative.

It was then taken on agreeing to the report of the second resolution,

And determined in the negative.

The Convention then, on motion of Mr. Magee, forthwith resolved itself into a committee of the whole on said report; Mr. Falconer in the chair.

When it was moved, by Mr. Magee, that the second resolution of said report be amended as follows:

Strike out all after the word "Resolved," and insert the words, to wit:

"That returns of all elections by the people shall be made to the Secretary of State, in such manner as may be prescribed by law."

A division of the question being called for by Mr. Duncan,

It was taken first on striking out,

And passed in the affirmative.

It was then taken on inserting,

Which also passed in the affirmative.

The committee then, on motion of Mr. Johnson, rose, and the President resumed the Chair—

When Mr. Faulkner reported that the committee of the whole had had under consideration their former report, had made an amendment to the second resolution thereof, and had instructed him to report the same as amended.

On motion of Mr. Falconer,

It was ordered that said report be received and agreed to.

On motion of Mr. Jefferson,

The Convention proceeded to consider the resolutions in relation to a Penitentiary, and thereupon, on motion of Mr. Greenleaf, resolved itself forthwith into a committee of the whole on said resolutions—Mr. Howard in the Chair.

Mr. Quitman moved to amend the second of said resolutions as follows:

Strike out the whole of said resolution from the word "Resolved."

And the question being put,

It passed in the affirmative.

Mr. Black moved to amend the first of said resolutions as follows:

Strike out the whole of said resolution from the word "Resolved," Mr. Quitman moved to fill the blank in the said first resolution with the integral numbers 1837,

Mr. Johnson, with 1850;

Mr. Morris with 1867;

And Mr. Grayson with 1900.

And the question being taken on the last proposed numbers,

It passed in the affirmative,

The question then recurred on Mr. Black's amendment,

And was decided in the affirmative.

The committee then, on motion of Mr. Grayson, rose, and the President resumed the chair, when—

Mr. Howard reported that the committee of the whole had had said resolutions under consideration, had made sundry amendments thereto, and had instructed him to report the same as amended.

Mr. Black moved that said report be received and agreed to.

A division of the question being called for,

It was taken first on receiving said report,

And passed in the affirmative.

It was then taken on agreeing to said report,

Which also passed in the affirmative.

Mr. Redd moved that said report lie on the table.

And the question being taken thereon,

It was determined in the negative.

It was then moved, by Mr. Grayson, that said report be indefinitely postponed—pending which,

Mr. Jefferson asked and obtained leave of the Convention to withdraw said report.

On motion of Mr. Quitman,

The Convention proceeded, in committee of the whole, to consider the resolution proposing an additional section to the General Provisions, under the head of slaves—Mr. Johnson in the chair.

And after some time spent therein,

The committee rose and the President resumed the chair; when

Mr. Johnson reported that the committee of the whole had had said resolution under consideration, and had instructed him to report the same without amendment.

On motion of Mr. Johnson,

It was ordered that said report be received and agreed to; and

On motion of Mr. Quitman,

It was ordered that the same do lie on the table.

Mr. Hurst submitted the following resolution:

Resolved, That all powers expressly granted to the General Government of the United States, by the States respectively, according to the provisions of the Federal Constitution, shall be observed by this State inviolate.

Mr. Hurst moved that said resolution lie on the table.

And the question being taken thereon,

It was determined in the negative.

Mr. Grayson moved that the same be indefinitely postponed.

Mr. Williamson moved that it lie on the table.

And the question being put,

It was determined in the negative.

The question then recurred on Mr. Grayson's motion to postpone said resolution indefinitely.

And pending said motion,

Mr. Hurst asked and obtained leave to withdraw said resolution.

Mr. Magee submitted the following resolution:

Resolved, That the 10th and 11th sections of the 5th article of the Constitution be stricken out.

Whereupon, on motion of Mr. Magee,

The Convention forthwith resolved itself into a committee of the whole on said resolution—Mr Trotter in the chair.

And after some time spent therein,

The committee rose, and the President resumed the chair; when

Mr. Trotter reported, that the committee of the whole had had said resolution under consideration, and had instructed him to report the same without amendment.

On motion of Mr. Trotter,

It was ordered that said report be received and agreed to.

On motion of Mr. Magee,

Ordered that said report be referred to the select committee to whom was referred the report of the committee on the Judicial Department of the Constitution.

On motion of Mr. Quitman,

The Convention proceeded to consider the resolution proposing an additional section to the General Provisions of the Constitution, under the head of slaves.

Whereupon, it was ordered that said resolution be referred to the select committee to whom was referred the report of the committee on the General Provisions of the Constitution.

Then the House adjourned.

Friday, October 19, 1832.

The Convention met agreeably to adjournment—

When Mr. Morris made the following report:

Mr. President:

The committee on elections have instructed me to report that they have examined the credentials of the following members, and found them all duly elected:

Copiah County.—Seth Granberry, William P. Rose.

Pike County.—James Y. McNabb, Laban Bacot.

Claiborne County.—Thomas Gale, Thomas Freeland, Danl. Greenleaf.

Amite County.—Richard Hurst, Isaiah Cain.

Monroe County.—George Higgason.

Madison County.—Russel M. Williamson.

Adams County.—Stephen Duncan, John A. Quitman, Spence M. Grayson.

Jefferson County.—Putnam T. Williams, Cicero Jefferson.

Wilkinson County.—Gerard C. Brandon, Joseph Johnson, E. T. Farish.

Lawrence County.—A. M. Keegan, J. W. Pendleton.

Hinds County.—David Dickson, James Scott, Vernon C. Hicks.

Yazoo County.—Richard F. Floyd, Howell W. Runnels.

Washington Connty.—Andrew Knox.

Wayne County.—Thomas P. Falconer.

Marion County.— Dougald McLaughlin.

Lowndes County.—James F. Trotter.

Covington County.—Frederick Pope.

Simpson County.—John B. Lowe.

Hancock County.—P. Rutillius R. Pray.

Jackson County.—William C. Seamon.

Jones County.—Nathaniel Jones.

Warren County.—William J. Redd.

Green County.—David McRae.

Rankin County.—N. G. Howard.

Franklin County.—Daniel McMillan.

Perry County.—Jacob J. H. Morris.

District composed of the counties of Amite and Franklin.—Richard A. Stewart.

District composed of the counties of Pike and Marion.—James Jones.

District composed of the counties of Wayne, Jackson, Hancock, Perry and Jones.—John Black.

District composed of the counties of Lawrence, Simpson and Covington.—Charles Lynch.

District composed of the counties of Copiah and Jefferson.—Benjamin Kennedy.

District composed of the counties of Warren aud Washington.—Eugene Magee.

District composed of the counties of Yazoo and Madison.—William J. Austin.

District composed of the counties of Lowndes, Monroe and Rankin.—Daniel W. Wright.

J. J. H. MORRIS, *Chairman.*

On motion of Mr. Morris, ordered, that said report be received.

On motion of Mr. Farrish,

Ordered, that the same do lie on the table.

Leave being given—

Mr. Wright submitted the following resolution:

Resolved, That until the first enumeration shall be made, as provided for by this Constitution, the following shall be the apportionment of Senators and Representatives among the several districts and counties in this State, (to wit:)

The county of Adams shall be entitled to one Senator.
The county of Wilkinson to one Senator.
The county of Claiborne to one Senator.
The county of Copiah to one Senator.
The county of Hinds to one Senator.
The county of Yazoo to one Senator.
The county of Amite to one Senator.
The county of Madison to one Senator.
The counties of Jefferson and Franklin to one Senator.
The counties of Pike and Marion to one Senator.
The counties of Lawrence and Covington to one Senator.
The counties of Jackson. Hancock and Green to one Senator.
The counties of Jones, Wayne and Perry to one Senator.
The counties of Simpson and Rankin to one Senator.
The counties of Warren and Washington to one Senator; and
The counties of Monroe and Lowndes to one Senator.
That the county of Adams shall have three representatives.
That the county of Wilkinson shall have three representatives.
That the county of Jefferson shall have two representatives.
That the county of Claiborne shall have two representatives.
That the county of Warren shall have two representatives.
That the county of Washington shall have one representative.
That the county of Franklin shall have one representative.
That the county of Pike shall have three representatives.
That the county of Amite shall have two representatives.
That the county of Marion shall have one representative.
That the county of Lawrence shall have two representatives.
That the county of Jackson shall have one representative.
That the county of Jones shall have one representative.
That the county of Green shall have one representative.
That the county of Hancock shall have one representative.
That the county of Perry shall have one representative.
That the county of Wayne shall have one redresentative.
And the county of Covington shall have one representative.

Mr. Stewart moved that said resolution be indefinitely postponed.

Mr. Morris moved that it lie on the table.

Pending the question on said motion, a debate arose—

When the previous question was called for by Mr. Morris;

And being demanded by one third of the members present,

The said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the said resolution lie on the table?

And determined in the negative.

YEAS 17—NAYS 25.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (president) Austin, Bacot, Cain, Dickson, Farish, Granberry, Hicks, Howard, Kennedy, Redd, Rose, Runnels, Scott, Trotter, Williamson, Wright—17.

Those who voted in the negative are—

Messrs. Black, Duncan, Falconer, Freeland, Grayson, Greenleaf, Higgason, Hurst, Jefferson, Johnson, Jones of Jones, Keegan, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, Morris, McRae, Pope, Quitman, Seamon, Stewart, Williams—25.

It was then moved by Mr. Kennedy that the farther consideration of said resolution be postponed until Tuesday next.

When a debate arose—

And the previous question was called for by Mr. Keegan,

And being demanded by one third of the members present,

The said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the farther consideration of said resolution be postponed until Tuesday next?

And decided in the negative.

YEAS 16—NAYS 26.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Austin, Bacot, Dickson, Floyd, Granberry, Hicks, Higgason, Howard, Kennedy, Redd, Rose, Runnels, Trotter, Williamson, Wright—16.

Those who voted in the negative are—

Messrs. Black, Cain, Duncan, Falconer, Farish, Freeland, Grayson, Greenleaf, Hurst, Jefferson, Johnson, Jones of Jones, Keegan, Knox, Lynch, Magee, McLaughlin, McMillan, Morris, McRae, Pendleton, Pope, Quitman, Scott, Seamon, Stewart—26.

The question then recurred on the motion made by Mr. Stewart to postpone said resolution indefinitely.

And after debate—

The previous question was *again* called for, by Mr. Morris;

And being demanded by a majority of one-third of the members present—

The said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the resolution be indefinitely postponed?

And passed in the affirmative.

YEAS, 24—NAYS, 19.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Black, Cain, Duncan, Falconer, Freeland, Grayson, Greenleaf, Jefferson, Johnson, Jones, of Jones, Keegan, Knox, Lynch, McLaughlin, McMillan, Morris, McRae, Pendleton, Pope, Quitman, Seamon, Stewart, Williams—24.

Those who voted in the negative are—

Messrs. Austin, Bacot, Dickson, Farish, Floyd, Grabberry, Hicks, Higgason, Howard, Hurst, Kennedy, Magee, Redd, Rose, Runnels, Scott, Trotter, Williamson, Wright—19.

The report of the select committee to whom was referred the duty of arranging the amendments and changes in the Declaration of Rights, and resolutions relating thereto, being in order for a third reading—

It was ordered, on motion of Mr. Quitman, that said report lie on the table.

The report of the select committee on the Legislative Department of the Government—

Was read the second time.

Mr. Farish moved that said report be referred to a committee of the whole, and made the order of the day for to-morrow.

Mr. Knox moved that said report be referred to a committee of the whole, and made the order of the day for Monday next—

And the question being taken thereon,

It was determined in the negative.

The question was then taken on the motion of Mr. Farish,

And passed in the affirmative.

On motion of Mr. Black,

The Convention proceeded to consider the report of the committee of the whole on the resolution proposing an additional section to the General Provisions of the Constitution.

Mr. Redd moved that said report lie on the table;

And the question being put,

It was determined in the negative.

It was then moved by Mr. Grayson that the same be amended as follows:

Strike out all after the word "Resolved"—

And the question being taken thereon,

It was decided in the affirmative.

YEAS, 23—NAYS, 20.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (president) Bacot, Duncan, Freeland, Grayson, Hurst, Johnson, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, Pendleton, Pope, Redd, Rose, Runnels, Scott, Seamon, Williams, Williamson—23.

Those who voted in the negative are—

Messrs. Austin, Black, Cain, Dickson, Falconer, Farish, Floyd, Granberry, Greenleaf, Hicks, Higgason, Howard, Jefferson, Jones of Jones, Keegan, McRae, Quitman, Stewart, Trotter, Wright—20.

On motion of Mr. Grayson,

It was ordered that said report be indefinitely postponed.

Mr. Stewart submitted the following resolutions:

1. Resolved, That the second section of the fourth article of the Constitution, under the head of Militia, be amended to read thus:

"Officers of the Militia (staff officers excepted) shall be elected by the qualified electors, and those citizens subject to military duty, within their respective commands, and shall be commissioned by the Governor."

2. Resolved, That the third section of the fourth article of the Constitution, under the head of Militia, be stricken out.

Mr. Stewart moved that said resolutions be referred to a committee of the whole, and made the order of the day for two o'clock, P. M. on this day.

Mr. Runnels moved that the same do lie on the table—

And the question being put,

It was determined in the negative.

The question then recurred on the motion made by Mr. Stewart to refer said resolutions to a committee of the whole on this day, at two o'clock, P. M.

And passed in the affirmative.

Mr. Pendleton moved that the House adjourn 'till 2 o'clock, P. M.

And the question being put,

It was determined in the negative.

On motion of Mr. Quitman,

The Convention proceeded to consider the resolution in relation to the 9th section of the 6th article of the amended Constitution, under the head of General Provisions.

Mr. Hurst moved that the same lie on the table.

And the question being put,

It was determined in the negative.

The Convention then, on motion of Mr. Quitman, resolved itself into a committee of the whole on said resolution----Mr. Johnson in the chair.

A motion was then made by Mr. Keegan to amend said resolution as follows:

Strike out the whole of said resolution, from the word "Resolved."

Pending said motion—

The committee, on motion of Mr. Farish, rose, and the President resumed the chair; when

Mr. Johnson reported that the committee of the whole had had the said resolution under consideration, but having come to no determination thereon, had instructed him to report progress and ask leave to sit again.

On motion of Mr. Johnson,

It was ordered that said report be received and agreed to.

And then the House adjourned 'till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment—

When the Hon. Thomas Gale appeared and took his seat in the hall.

The resolutions in relation to the election of the Militia of this State being in order for a committee of the whole—

The Convention forthwith resolved itself into a committee of the whole on said resolutions—Mr. Williams in the chair.

It was then moved, by Mr. Black, to amend the first of said resolutions as follows:

Strike out the words "the qualified electors and."

A debate arose—

When the previous question was called for by Mr. Duncan, and being demanded by one third of the members present,

The said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the amendment proposed by Mr. Black be adopted?

And determined in the negative.

It was then moved by Mr. Keegan to amend the second of said resolutions as follows:

Strike out the whole of said resolution from the word "Resolved."

And the question being put,

It passed in the affirmative.

The committee then, on motion of Mr. Hurst, rose, and the President resumed the chair; when

Mr. Williams reported that the committee of the whole had had said resolutions under consideration, had made an amendment thereto, and had instructed him to report the same as amended.

Mr. Williams moved that said report be received and agreed to.

A division of the question being called for—

It was first taken on receiving said report,

And passed in the affirmative.

It was then taken on agreeing to said report,

And determined in the negative.

It was then moved by Mr. Duncan that said report be indefinitely postponed:

Mr. Stewart moved that the same do lie on the table.

And the question being taken thereon,

It was determined in the negative.

The question was then taken on Mr. Duncan's motion for an indefinite postponement of said report, and determined in the negative.

YEAS, 21—NAYS, 23.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Black, Dickson, Duncan, Falconer, Farish, Gale, Grayson, Greenleaf, Jefferson, Jones of Jones, Keegan, Knox, McLaughlin, Morris, McRae, Pendleton, Pope, Quitman, Scott, Seamon, Trotter,—21.

Those who voted in the negative are—

Messrs. Pray, (President) Austin, Bacot, Cain, Floyd, Freeland, Granberry, Hicks, Higgason, Howard, Hurst, Johnson, Jones of Pike, Kennedy, Lowe, Magee, McMillan, Redd, Rose, Runnels, Stewart, Williams, Wright—23.

Mr. Black then moved that said report be re-committed to a committee of the whole.

And the question being taken thereon,

It was decided in the negative.

Whereupon—

It was ordered, on motion of Mr. Williams, that said report lie on the table.

Mr. Magee made the following report:

MR. PRESIDENT:

The committee to whom was referred the report of the committee on the Judicial Department of the Government, with the amendments made thereto in committee of the whole and in the House, together with all matters of the Constitution under the head of Judicial Department and not embraced in said report, to revise and place in form, beg leave to present the following report:

ARTICLE V.

JUDICIAL DEPARTMENT.

Sec. 1. The Judicial power of this State shall be vested in one High Court of Errors and Appeals, and such other courts of law and equity as hereinafter provided for in this Constitution.

Sec. 2. The High Court of Errors and Appeals shall consist of three Judges, any two of whom shall form a quorum. The Legislature shall divide the State into three districts, and the qualified electors of each district shall elect one of said Judges for the term of six years.

Sec. 3. The office of one of said Judges shall be vacated in two years, and of one in four years, and of one in six years; so that at the expiration of every two years one of said Judges shall be elected as aforesaid.

Sec. 4. The High Court of Errors and Appeals shall have no jurisdiction but such as properly belongs to a Court of Errors and Appeals.

Sec. 5. All vacancies that may occur in said Court from death, resignation or removal, shall be filled by election as aforesaid: *Provided, however,* That if the unexpired term do not exceed one year the vacancy shall be filled by executive appointment.

Sec. 6. No person shall be eligible to the office of Judge of the High Court of Errors and Appeals, who shall not have attained at the time of his election the age of thirty years.

Sec. 7. The High Court of Errors and Appeals shall be held twice in each year, at such place as the Legislature shall direct until the year 1836, and afterwards at the seat of Government of the State.

Sec. 8. The Secretary of State on receiving all the official returns of the first election, shall proceed forthwith in the presence and with the assistance of two Justices of the Peace, to determine by lot among the three candidates having the highest number of votes, which of said Judges elect shall serve for the term of two years, which shall serve for the term of four years, and which shall serve for the term of six years; and having so determined the same, it shall be the duty of the Governor to issue commissions accordingly.

Sec. 9. No Judge shall sit on the trial of any cause where the parties or either of them shall be connected with him by affinity or consanguinity, or where he may be interested in the same, except by consent of the Judge and of the parties; and whenever a quorum of said Court are situated as aforesaid, the Governor of the State shall in such case specially commission two or more men of law-knowledge for the determination thereof.

Sec. 10. The Judges of said Court shall receive for their services a compensation to be fixed by law, which shall not be diminished during their continuance in office.

Sec. 11. The Judges of the Circuit Court shall be elected by the qualified electors of each judicial district, and hold their offices for the term of four years and reside in their respective districts.

Sec. 12. No person shall be eligible to the office of Judge of the Circuit Court, who shall not at the time of his election have attained the age of twenty-six years.

Sec. 13. The State shall be divided into convenient districts, and each district shall contain not less than three nor more than twelve counties.

Sec. 14. The Circuit Court shall have original jurisdiction in all matters civil and criminal within this State; but in civil cases *only* when the principal of the sum in controversy exceeds fifty dollars.

Sec. 15. A Circuit Court shall be held in each county of this State at least twice in each year, and the Judges of said Courts shall interchange circuits with each other in such manner as may be prescribed by law, and shall receive for their services a compensation to be fixed by law, which shall not be diminished during their continuance in office.

Sec. 16. A separate superior Court of Chancery shall be established with full jurisdiction in all matters of equity: *Provided, however,* The Legislature may give to the Circuit Courts of each county equity jurisdiction in all cases where the value of the thing or amount in controversy does not exceed five hundred dollars, also in all cases of divorce and for the foreclosure of mortgages. The Judge of said Court shall be elected by the qualified electors of the State for the term of four years.

Sec. 17. The style of all process shall be "The State of Mississippi," and all prosecutions shall be carried on in the name and by the authority of "The State of Mississippi," and shall conclude "against the peace and dignity of the same."

Sec. 18. A Court of Probate shall be established in each county of this State with jurisdiction in all matters testamentary and of administration in orphans' business and the allotment of dower, in cases of idiocy and lunacy, and of persons *non compos mentis.* The Judge of said Court shall be elected by the qualified electors of the respective counties for the term of two years.

Sec. 19. The Clerk of the High Court of Errors and Appeals shall be appointed by said Court for the term of four years, and the Clerks of the Circuit, Probate and other inferior Courts shall be elected by the qualified electors of the respective counties, and shall hold their offices for the term of two years.

Sec. 20. The qualified electors of each county shall elect five persons for the term of two years, who shall constitute a Board of Police for each county, a majority of whom may transact business; which body shall have full jurisdiction over roads, highways, ferries and bridges, and all other matters of county police, and shall order all county elections to fill vacancies that may occur in the offices of their respective counties. The Clerk of the Court of Probate shall be the Clerk of the Board of County Police.

Sec. 21. No person shall be eligible as a member of said Board who shall not have resided one year in the county, but this qualification shall not extend to such new counties as may hereafter be established 'till one year after their organization; and all vacancies that may occur in said Board shall be supplied by election as aforesaid, to fill the unexpired term.

Sec. 22. The Judges of all the Courts of this State, and also the members of the Board of County Police, shall in virtue of their office be conservators of the peace, and shall be by law vested with ample powers in this respect.

Sec. 23. A competent number of Justices of the Peace and constables shall be chosen in each county by the qualified electors thereof, by districts, who shall hold their offices for the term of two years. The jurisdiction of Justices of the Peace shall be limited to causes in which the principal of the amount in controversy shall not exceed fifty dollars. In all causes tried by a Justice of the Peace the right of appeal shall be secured under such rules and regulations as shall be prescribed by law.

Sec. 24. The Legislature may from time to time establish such other inferior Courts as may be deemed necessary.

Sec. 25. There shall be an Attorney General elected by the qualified electors of the State, and a competent number of district attorneys shall be elected by the qualified voters of their respective districts, whose compensation and term of service shall be prescribed by law.

Sec. 26. The Legislature shall provide by law for determining contested elections of Judges of the High Court of Errors and Appeals, of the Circuit and Probate Courts and other officers.

Sec. 27. The Judges of the High Court of Errors and Appeals and of the Circuit Courts of this State, for wilful neglect of duty or other reasonable cause, shall be removed by the Governor on the address of two thirds of both Houses of the Legislature; the address to be by joint ballot of both Houses. The cause or causes for which such removal shall be required, shall be stated at length in such address and on the journals of each House. The Judge so intended to be removed shall be notified and admitted to a hearing in his own defence, before any vote for such address shall pass.

Sec. 28. The Judges of Probate, Clerks, Sheriffs and other county officers shall be removed by presentment of the grand jury, and the finding of guilty by a petit jury of the county in which the officer may reside: the charges and specifications shall be distinctly set forth in the presentment, and shall be sufficient in law for such removal. The officer so intended to be removed shall be admitted to a hearing in his own defence.

EUGENE MAGEE,
Chairman.

On motion of Mr. Magee,

It was ordered that said report be received.

Whereupon,

It was read the first time.

The Convention then, on motion of Mr. Duncan, resumed in committee of the whole the resolution in relation to the 9th section of the 6th article of the amended Constitution, under the head of General Provisions; Mr. Johnson *again* in the chair.

When the question recurred on the amendment proposed by Mr. Keegan,

And determined in the negative.

YEAS 8—NAYS 34.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Granberry, Keegan, Kennedy, Lynch, McLaughlin, Pendleton, Runnels, Stewart—8.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Black, Cain, Duncan, Falconer, Farish, Floyd, Freeland, Grayson, Greenleaf, Hicks, Higgason, Howard, Hurst, Jefferson, Johnson, Jones, of Jones, Jones of Pike, Knox, Lowe, Magee, McMillan, McRae, Pope, Quitman, Redd, Rose, Scott, Seamon, Trotter, Williams, Wright—34.

The committee then, on motion of Mr. Quitman, rose, and the President resumed the Chair; when

Mr. Johnson reported that the committee of the whole had again had said resolution under consideration, and had instructed him to report the same without amendment.

On motion of Mr. Johnson,

It was ordered that said report be received and agreed to.

It was then moved, by Mr. Quitman, that said resolution be referred to the select committee on the General Provisions of the Constitution.

Mr. Keegan moved that the same do lie on the table.

And the question being taken thereon,

It was determined in the negative.

The question was then taken on Mr. Quitman's motion, proposing its reference to the select committee on the General Provisions of the Constitution,

And passed in the affirmative.

Mr. Magee submitted the following resolution:

Resolved, That it is expedient to retain the provisions of the present Constitution, relative to impeachments, and that the same be inserted amongst the General provisions.

Mr. Stewart moved that said resolution lie on the table.

And the question being taken thereon,

It was determined in the negative.

The Convention then, on motion of Mr. Magee, forthwith resolved itself into a committee of the whole on said resolution—Mr. Duncan in the chair.

And after some time spent therein, the committee rose and the President resumed the chair; when

Mr. Duncan reported that the committee of the whole had had said resolution under consideration, and had instructed him to report the same without amendment.

On motion of Mr. Duncan,

It was ordered that said report be received and agreed to.

On motion of Mr. Magee,

Ordered that said resolution be referred to the select committee on the General Provisions of the Constitution.

And then the House adjourned.

Saturday, October 20, 1832.

The Convention met pursuant to adjournment—

And, according to the order of the day, resolved itself into a committee of the whole on the report of the select committee on the Legislative Department of the Government; Mr. Duncan in the Chair.

The 1st, 2d, 3d, 4th, 5th, 6th, 7th, and 8th sections of said report being read, and no amendments proposed;

The 9th was read—

When it was moved by Mr. Farish that the same be amended as follows:

After the word "hundred," strike out the remainder of said section.

A motion was then made by Mr. Greenleaf that there be a call of the House:

And the question being put,

It passed in the affirmative.

The roll of the members was then called by the Secretary—

When it appeared that the following named members answered to their names:

Messrs. Austin, Cain, Dickson, Duncan, Falconer, Farish, Floyd, Freeland, Gale, Granberry, Grayson, Greenleaf, Hicks, Higgason, Howard, Hurst, Jefferson, Johnson, Jones of Jones, Keegan, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, Morris, McRae, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Scott, Seamon, Stewart, Trotter, Williams—40.

The absent members having been, by order of the Chairman of the committee, notified that their attendance was demanded by the committee, appeared, (with the exception of Messrs. Wright and Jones of Pike,) and took their seats in the hall.

It was then ordered, on motion of Mr. Trotter, that further action on said call be dispensed with.

The question was then taken on the amendment proposed by Mr. Farish,

And determined in the negative.

YEAS 22—NAYS 24.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Cain, Duncan, Farish, Floyd, Freeland, Gale, Grayson, Greenleaf, Hicks, Higgason, Hurst, Jefferson, Johnson, Jones of Pike, Kennedy, Magee, Quitman, Redd, Scott, Stewart, Trotter, Williams—22.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Black, Dickson, Falconer, Granberry, Howard, Jones of Jones, Keegan, Knox, Lowe, Lynch, McLaughlin, McMillan, Morris, McNabb, McRae, Pendleton, Pope, Rose, Runnels, Seamon, Williamson—24.

Mr. Scott moved to amend the first of the said sections as follows:

Insert after the word "election," in the 8th line, and before the word "May," in said line, the words "or who shall have removed to such county, city or town, within four months preceding the election, from any county, city or town, in which he would have been a qualified elector, had he not have so removed:" and add to the end of the sentence the words (to wit:) "or the county, city or town from which he may have so removed."

And the question being put,

It passed in the affirmative.

Mr. Greenleaf moved to amend the 9th section as follows:

Strike out the word "always," in the last line, and insert in lieu thereof the words (to wit:) "until the year 1837."

A division of the question being called for,

It was taken on striking out,

And determined in the negative.

YEAS, 20—NAYS, 25.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Cain, Duncan, Farish, Floyd, Freeland, Gale, Grayson, Greenleaf, Hicks, Higgason, Hurst, Jefferson, Johnson, Jones of Pike, Kennedy, Magee, Quitman, Redd, Scott, Williams,—20.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Black, Dickson, Falconer, Granberry, Howard, Jones of Jones, Keegan, Knox, Lowe, Lynch, McLaughlin, McMillan, Morris, McNabb, McRae, Pendleton, Pope, Rose, Runnels, Seamon, Stewart, Williamson—25.

Mr. Quitman moved the following amendment to the 8th of said sections:

Strike out the words (to wit:) "the Legislature may divide any county," and insert in lieu thereof, the words, to wit;

"The county may be divided."

And the question being put,

It passed in the affirmative.

Mr. Scott moved to amend the 6th of said sections as follows:

Strike out the word "November," and insert in lieu thereof, the word "August."

A division of the question being called for by Mr. Howard,

It was first taken on striking out,

And determined in the negative.

YEAS 16—NAYS 27.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Austin, Cain, Dickson, Floyd, Granberry, Greenleaf, Higgason, Hurst, Johnson, Kennedy, McLaughlin Pendleton, Rose, Runnels, Scott, Stewart—16.

Those who voted in the negative are—

Messrs. Pray, (President,) Bacot, Black, Duncan, Falconer, Farish, Freeland, Gale, Grayson, Hicks, Howard, Jefferson, Jones of Jones, Keegan, Knox, Lowe, Lynch, Magee, McMillan, Morris, McNabb, McRae, Pope, Quitman, Redd, Seamon, Williams—27.

The 10th section being read—

Mr. Farish moved that the same be amended as follows:

Insert between the word "white" and the word "inhabitants," the word "taxable."

It was then moved by Mr. Farish that there be a call of the House.

And the question being put,

It passed in the affirmative.

The roll of the members was then called by the Secretary—

When it appeared that the following named members answered to their names:

Messrs. Austin, Bacot, Black, Cain, Dickson, Duncan, Falconer, Farish, Floyd, Freeland, Gale, Granberry, Grayson, Greenleaf, Hicks, Higgason, Howard, Hurst, Jefferson, Johnson, Jones, of Jones, Keegan, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, Morris, McNabb, McRae, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Scott, Seamon, Stewart, Trotter, Williams—43

It was then moved by Mr. Runnels that the absent members be sent for.

And the question being taken thereon,

It was determined in the negative.

Mr. Morris moved that the committee rise, report progress, and ask leave to sit again.

And the question being taken thereon,

It was decided in the negative.

The question was then taken on Mr. Farish's amendment,

And determined in the negative.

YEAS 17—NAYS 24.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Duncan, Farish, Freeland, Gale, Grayson, Greenleaf, Hurst, Jefferson, Johnson, Knox, Magee, McMillan, Quitman, Redd, Stewart Trotter, Williams—17.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Black. Cain, Dickson, Falconer, Floyd, Granberry, Hicks, Higgason, Howard, Jones of Jones, Keegan, Kennedy, Lowe, Lynch. McLaughlin, Morris, McNabb, McRae, Pendleton, Pope, Rose, Runnels, Scott, Seamon—27.

The 11th section was read, and the following amendment proposed thereto by Mr. Stewart.

"Strike out the word "four," and insert in lieu thereof the word "two."

A division of the question being called for,

It was taken on striking out,

And determined in the negative.

The 12th and 13th sections being read, and no amendments proposed, the 14th was read,

When it was moved, by Mr. Howard, that the same be amended as follows:

Strike out the word "four" before the word "years" and insert the word "two."

And the question being taken thereon,

It was decided in the negative.

YEAS 13—NAYS 29.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Austin, Cain, Gale, Granberry, Hicks, Higgason, Howard, Jones of Jones, Pendleton, Runnels, Scott, Stewart, Trotter—13.

Those who voted in the negative are—

Messrs. Pray, (president) Bacot, Black, Dickson, Duncan, Falconer, Farish, Grayson, Greenleaf, Hurst, Jefferson, Johnson, Keegan, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, Morris, McNabb, McRae, Pope, Quitman, Redd, Rose, Seamon, Williams—29.

Mr. Stewart moved the following as an amendment to said section.

Strike out the word "thirty" in the 1st line, and insert in lieu thereof the words "twenty-six."

It was then moved, by Mr. Grayson, that there be a call of the House,

And the question being put,

It was determined in the negative.

The question then recurred on said amendment—

And a division thereof being demanded by Mr. Hurst,

It was taken on striking out,

And determined in the negative.

Mr. Howard moved to amend the said section as follows:

Strike out the word "thirty" in the last line and insert in lieu thereof the words "twenty-eight."

A division of the question being called for,

It was taken on striking out—

And determined in the negative.

The 15th, 16th, 17th, 18th, 19th, 20th, 21st and 22d sections being read and no amendments proposed,

The 23d was read—

And the following amendment proposed thereto by Mr. Scott:

Strike out the words "in case of urgency."

And the question being taken thereon,

It passed in the affirmative.

The 24th section was read—and the following amendment thereto proposed by Mr. Scott:

Strike out the whole of said section.

And the question being taken thereon,

It was decided in the negative.

The 25th section was read, and no amendment being proposed, the 26th was read—

When it was moved, by Mr. Stewart, that the same be amended as follows:

Strike out the whole of said section,

And the question being taken thereon,

It was determined in the negative.

Mr. Williamson moved to amend the 7th section as follows:

Strike out the whole of said section and insert the words, to wit:

"That no person shall be a representative unless he be a citizen of the United States, and shall have been an inhabitant of the State, and of the county, city or town, one year next preceding his election and shall have attained the age of twenty-one years."

Mr. Stewart moved to amend said amendment as follows:

Strike out the words "a citizen of the United States."

And the question being put,

It was decided in the negative.

The question then recurred on the amendment proposed by Mr. Williamson, and a division of the same being demanded,

It was taken on striking out,

And determined in the negative.

The 27th and 28th sections being read, and no amendments proposed,

The 29th was read—

When it was moved, by Mr. Greenleaf, that the same be amended as follows:

Insert after the word "November" the words "one thousand eight hundred and thirty-three."

And the question being put,

It passed in the affirmative.

The 30th section was then read, and the following amendment proposed thereto by Mr. Farish:

Strike out the word "Jackson."

A motion was then made, by Mr. Magee, that there be a call of the House.

And the question being taken thereon,

It passed in the affirmative.

The roll of the members was then called by the Secretary, when it appeared that the following named members answered to their names:

Messrs. Austin, Bacot, Black, Cain, Dickson, Duncan, Falconer, Farish, Floyd, Freeland, Gale, Granberry, Grayson, Greenleaf, Hicks, Higgason, Howard, Hurst, Jefferson, Johnson, Jones of Jones, Keegan, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, Morris, McNabb, McRae, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Scott, Seamon, Stewart, Trotter, Williams, Williamson, Wright.—45

It was then ordered, on motion of Mr. Redd, that Mr. Jones, of Pike, the absent member, be sent for.

Mr. Jones, of Pike, having arrived and taken his seat in the hall—

The question was taken on the amendment proposed by Mr. Farish, to strike out the word "Jackson"—

And determined in the negative.

Yeas 20—Nays 27.

The yeas and nays being desired by two of the members present:

Those who voted in the affirmative are—

Messrs. Black, Dickson, Duncan, Farish, Floyd, Freeland, Gale, Grayson, Greenleaf, Higgason, Jefferson, Jones of Pike, Knox, Magee, Quitman, Redd, Runnels, Trotter, Williams, Williamson—20.

Those who voted in the negative are—

Messrs Pray, (President,) Austin, Bacot, Cain, Falconer, Granberry, Hicks, Howard, Hurst, Johnson, Jones of Jones, Keegan, Kennedy, Lowe, Lynch, McLaughlin, McMillan, Morris, McNabb, McRae, Pendleton, Pope, Rose, Scott, Seamon, Stewart, Wright—27.

The 31st section was read and no amendment proposed—

A motion was then made, by Mr. Quitman, to amend the 30th section as follows:

Strike out all after the word "Hinds" to the word "the" in the fifth line from the bottom.

And the question being put,

It was determined in the negative.

Yeas 13—Nays 33.

The yeas and nays being desired by two of the members present:

Those who voted in the affirmative are—

Messrs. Black, Freeland, Gale, Grayson, Greenleaf, Jefferson, Jones of Jones, Keegan, Kennedy, Quitman, Seamon, Stewart, Trotter—13.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Cain, Dickson, Duncan, Falconer, Farish, Floyd, Granberry, Hicks, Higgason, Hurst, Johnson, Jones of Pike, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, Morris, McNabb, McRae, Pendleton, Pope, Redd, Rose, Runnels, Scott, Williams, Williamson, Wright—33.

Mr. Greenleaf moved to amend the said 30th section as follows:

Strike out "1850" and insert in lieu thereof "1842."

A division of the question being called for—

It was taken on striking out,

And determined in the negative.

Mr. Magee moved to amend the 30th section as follows:

Strike out the word "Jackson" and insert in lieu thereof the word "Raymond."

It was then moved, by Mr. Morris, that the committee rise and report the said report as amended.

A motion was then made, by Mr. Farish, that the committee rise, report progress, and ask leave to sit again.

And the question being taken thereon,

It was decided in the negative.

The question was then taken on Mr. Morris' motion that the committee rise, and report the report as amended.

And the question being taken thereon,

It was determined in the negative.

The question then recurred on Mr. Magee's motion, proposing to strike out the word "Jackson" and insert the word "Raymond."

And a division thereof being called for—

It was taken on striking out,

And determined in the negative.

Yeas 16—Nays 30.

The yeas and nays being called for by two of the members present:

Those who voted in the affirmative are—

Messrs. Duncan, Freeland, Gale, Grayson, Greenleaf, Higgason, Jefferson, Knox, Magee, Quitman, Redd, Runnels, Scott, Trotter, Williams, Wright—16.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Black, Cain, Dickson, Falconer, Farish, Floyd, Granberry, Hicks, Howard, Hurst, Johnson, Jones, of Jones, Jones, of Pike, Keegan, Kennedy, Lowe, Lynch, McLaughlin, McMillan, Morris, McNabb, McRae, Pendleton, Rose, Seamon, Stewart, Wright—30.

Mr. Grayson moved to amend the 30th section as follows:

Strike out "1850," and insert in lieu thereof "1840".

A division of the question being demanded—

It was taken on striking out,

And determined in the negative,

YEAS 22—NAYS 25.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Austin, Bacot, Duncan, Farish, Floyd, Freeland, Gale, Grayson, Greenleaf, Higgason, Jefferson, Jones of Pike, Knox, Magee, McRae, Quitman, Redd, Runnels, Trotter, Williams, Williamson, Wright—22.

Those who voted in the negative are—

Messrs. Pray, (President,) Black, Cain, Dickson, Falconer, Granberry, Hicks, Howard, Hurst, Johnson, Jones of Jones, Keegan, Kennedy, Lowe, Lynch, McLaughlin, McMillan, Morris, McNabb, Pendleton, Pope, Rose, Scott, Seamon, Stewart—25.

Mr. Wright moved to amend the said 30th section as follows:

Strike out the words "Jackson, in Hinds county," and insert, in lieu thereof, the words "Marathon, in Madison county."

Mr. Quitman said that, as the amendment offered by Mr. Wright proposed to strike out words which had been proposed to be stricken out, in former amendments, it was out of order.

The chairman of the committee decided the amendment to be in order;

From which decision Mr. Quitman took an appeal to the committee.

And the question being put—

Shall the decision of the chair stand as the decision of the committee?

It was decided in the affirmative.

A motion was then made by Mr. Hurst that the committee rise, report progress, and ask leave to sit again.

And the question being taken thereon,

It was determined in the negative.

It was then moved, by Mr. Stewart, that there be a call of the House.

And the question being put,

It was decided in the negative.

The question then recurred on the amendment proposed by Mr. Wright.

And a division thereof being demanded,

It was taken on striking out,

And determined in the negative.

YEAS 17—NAYS 26.

The yeas and nays being called for by two of the members present:

Those who voted in the affirmative are—

Messrs. Duncan, Floyd, Gale, Grayson, Greenleaf, Higgason, Jefferson, Kennedy, Knox, Magee, Quitman, Redd, Runnels, Trotter, Williams, Williamson, Wright—17.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Black, Cain, Dickson, Falconer, Granberry, Hicks, Howard, Hurst, Johnson, Jones, of Jones, Keegan, Lowe, Lynch, LauMcghlin, McMillan, Morris, McNabb, Pendleton, Pope, Rose, Scott, Seamon, Stewart—26.

Mr. Hurst moved that the committee rise, report progress, and ask leave to sit again.

And the question being taken thereon,

It was determined in the negative.

It was then moved, by Mr. Redd, to amend the said 30th section as follows:

Strike out the word "Jackson," and insert in lieu thereof the word "Vicksburg."

A division of the question being called for,

It was taken on striking out,

And determined in the negative.

Mr. Wright moved to amend the said 30th section as follows:

Strike out the word "Jackson," and insert, in lieu thereof, the words "Madisonville, in Madison county."

A division of the question being demnnded—

It was taken on striking out,

And determined in the negative.

YEAS 15—NAYS 27.

The yeas and nays being desired by two of the members present:

Those who voted in the affirmative are—

Messrs. Austin, Duncan, Floyd, Grayson, Greenleaf, Higgason, Jefferson, Kennedy, Knox, Magee, Morris, Runnels, Trotter, Williamson, Wright—15.

Those who voted in the negative are—

Messrs. Pray, (President,) Bacot, Black, Cain, Dickson, Falconer, Granberry, Hicks, Howard, Hurst, Johnson, Jones of Jones, Keegan, Lowe, Lynch, McLaughlin, McMillan, McNabb, McRae, Pendleton, Pope, Redd, Rose, Scott, Seamon, Stewart, Williams—27.

Mr. Grayson moved moved to amend the said 30th section as follows:

Insert after "1850" the words "but no appropriation of money from the State Treasury, for public buildings, at the town of Jackson, shall be made before that period."

Mr. Wright moved to amend said amendment as follows; which was acceded to by Mr. Grayson:

Strike out after the word "before," and insert the words "until the year 1840."

The question was then taken on the amendment of Mr. Grayson, as amended,

And determined in the negative.

YEAS 13—NAYS 28.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Duncan, Floyd, Grayson, Greenleaf, Higgason, Knox, Magee, McRae, Runnels, Stewart, Trotter, Williams Williamson—13.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Black, Cain, Dickson, Falconer, Granberry, Hicks, Howard, Hurst, Jefferson, Johnson, Jones of Jones, Keegan, Kennedy, Lowe, Lynch, McLaughlin, McMillan, Morris, McNabb, Pendleton, Pope, Rose, Scott, Seamon, Wright—27.

The committee then, on motion of Mr. Trotter, rose, and the President resumed the chair; when

Mr. Duncan reported that the committee of the whole had had the report of the select committee on the Legislative Department of the Government under consideration, had made sundry amendments thereto, and had instructed him to report the same as amended.

Mr. Grayson moved that said report be received and agreed to.

A division of the question being demanded—

It was taken first on receiving,

And passed in the affirmative.

A motion was then made, by Mr. Stewart, that said report lie on the table.

And the question being put,

It was determined in the negative.

The question was then taken on agreeing to said report,

And passed in the affirmative.

It was then moved, by Mr. Grayson, that the House adjourn 'till Monday eight o'clock, A. M.

And the question being taken thereon,

It was determined in the negative.

The House then, on motion, adjourned 'till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment—

On motion of Mr. Farish,

Mr. James Jones, the member from the senatorial district composed of the counties of Pike and Marion, was excused from farther attendance on the Convention during the remainder of its session.

And on motion of Mr. Kennedy,

Mr. Seth Granberry, a member from the county of Copiah, was excused from attendance on the Convention until Monday evening next.

Mr. Quitman, from the select committee on the General Provisions of the Constitution, made the following report.

MR. PRESIDENT:

The committee to whom was referred the duty of arranging in form the several resolutions belonging to the General Provisions of the Constitution, have instructed me to report the same in the following form, to wit:

IMPEACHMENTS.

Sec. 1. The House of Representatives shall have the sole power of impeaching.

Sec. 2. All impeachments shall be tried by the Senate: when sitting for that purpose the Senators shall be on oath or affirmation: no person shall be convicted without the concurrence of two-thirds of the members present.

Sec. 3. The Governor and all civil officers shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of honor, trust or profit under the State, but the party convicted shall nevertheless be liable and subject to indictment, trial and punishment according to law, as in other cases.

ARTICLE VI.

GENERAL PROVISIONS.

Sec. 1. Members of the Legislature, and all officers, executive and judicial, before they enter upon the duties of their respective offices, shall take the following oath or affirmation to wit: I solemnly swear (or affirm as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Mississippi, so long as I continue a citizen thereof, and that I will faithfully discharge to the best of my abilities, the duties of the office of ——— according to law. So help me God.

Sec. 2. The Legislature shall have power to pass such penal laws to suppress the evil practice of duelling, extending to disqualification from office or the tenure thereof, as they may deem expedient.

Sec. 3. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

Sec. 4. Every person shall be disqualified from holding an office or place of honor or profit, under the authority of this State, who shall be convicted of having given or offered any bribe, to procure his election.

Sec. 5. Laws shall be made to exclude from office and from suffrage, those who shall thereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections and prohibiting, under adequate penalties, all undue influence therein, from power, bribery, tumult, or other improper conduct.

Sec. 6. No person who denies the being of a God, or a future state of rewards and punishments, shall hold any office in the civil department of this State.

Sec. 7. No law of a general nature unless otherwise provided for, shall be enforced until thirty days after the rising of the Legislature, in which the same was passed.

Sec. 8. No money shall be drawn from the Treasury but in consequence of an appropriation made by law; nor shall any appropriation of money for the support of an army be made for a longer term than one year.

Sec. 9. No money from the Treasury shall be appropriated to objects of internal improvement, unless a bill for that purpose be approved by two-thirds of both branches of the Legislature; and a regular statement and account of the receipts and expenditures of public moneys, shall be published annually.

Sec. 10. No law shall ever be passed to raise a loan of money upon the credit of the State, or to pledge the faith of the State for the payment or redemption of any loan or debt, unless such law be proposed in the Senate or House of Representatives, and be agreed to by a majority of the members of each House, and entered on their journals with the yeas and nays taken thereon, and be referred to the next succeeding Legislature, and published for three months previous to the next regular election, in three newspapers of this State; and unless a majority of each branch of the Legislature so elected, after such publication, shall agree to and pass such law; and in such case the yeas and nays shall be taken and entered on the journals of each House: *Provided*, however, that this section shall not be so construed as to prevent the Legislature from carrying into effect the provisions of the present charter of the Planters' Bank.

Sec. 11. The Legislature shall direct by law, in what manner and in what courts, suits may be brought against the State.

Sec. 12. Absence on business of this State, or of the United States, or on a visit, or necessary private business, shall not cause a forfeiture of citizenship once obtained.

Sec. 13. It shall be the duty of the Legislature to regulate by law the cases in which deductions shall be made from salaries of public officers, for neglect of duty in their official capacity, and the amount of such deduction.

Sec. 14. No member of Congress, nor any person holding any office of profit or trust under the United States, or any other State of the Union, (the office of Post-Master excepted) or under any foreign power, shall hold or exercise any office of trust or profit under this State.

Sec. 15. Religion, morality and knowledge, being necessary to good government, the preservation of liberty, and the happiness of mankind, schools, and the means of education, shall forever be encouraged in this State.

Sec. 16. Divorces from the bonds of matrimony shall not be granted, but in cases provided for by law, by suit in Chancery.

Sec. 17. Returns of all elections by the people shall be made to the Secretary of State, in such manner as may be prescribed by law.

Sec. 18. No new county shall be established by the Legislature, which shall reduce the county or counties, or either of them, from which it may be taken, to less contents than five hundred and seventy-six square miles, nor shall any new county be laid off of less contents.

Sec. 19. The Legislature shall take measures to preserve from unnecessary waste or damage, such lands as are or may hereafter be granted by the United States, for the use of schools, within each township in this State, and apply the funds which may be raised from such lands by rent, or by making such disposition thereof as may comport with the object of such grant.

Sec. 20. The Legislature shall have power to admit to all the rights and privileges of free white citizens of this State, all such persons of the Choctaw and Chickasaw tribes of Indians, as shall choose to remain in this State, upon such terms as the Legislature may from time to time deem proper.

SLAVES.

Sec. 1. The Legislature shall have no power to pass laws for the emancipation of slaves, without the consent of their owners, unless where a slave shall have rendered to the State some distinguished services; in which case the owner shall be paid a full equivalent for the slave so emancipated.

They shall have no power to prevent emigrants to this State from bringing with them such persons as are deemed slaves by the laws of any one of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this State: *Provided,* That such person or slave be the *bona fide* property of such emigrants: *And provided, also,* That laws may be passed to prohibit the introduction into this State of slaves, who may have committed high crimes in other States.—They shall have power to pass laws to permit the owners of slaves to emancipate them, saving the right of creditors, and preventing them from becoming a public charge.

They shall have full power to prevent slaves from being brought into this State, as merchandize; and also to oblige the owners of slaves to treat them with humanity, to provide for them necessary clothing and provisions, to abstain from all injuries to them extending to life or limb; and in case of their neglect or refusal to comply with the directions of such laws, to have such slave or slaves sold for the benefit of the owner or owners.

Sec. 2. In the prosecution of slaves for crimes, of which the punishment is not capital, no inquest by a grand jury shall be necessary; but the proceedings, in such cases, shall be regulated by law.

MODE OF REVISING THE CONSTITUTION.

Whenever two-thirds of each branch of the Legislature shall deem any change, alteration or amendment necessary to this Constitution, such proposed change, alteration or amendment shall be read and passed by a majority of two-thirds of each House, respectively, on each day, for three several days: public notice thereof shall then be given by the Secretary of State, at least six months preceding the next general election, at which the qualified electors shall vote directly for or against such change, alteration or amendment; and if it shall appear that a majority of the qualified electors voting for members of the Legislature, shall have voted for the proposed change, alteration or amendment, then it shall be inserted by the next succeeding Legislature, as a part of this Constitution, and not otherwise.

SCHEDULE.

Sec. 1. All rights vested, and all liabilities incurred, shall remain the same as if this Constitution had not been adopted.

Sec. 2. All suits at law or in equity now depending in the several courts of this State, may be transferred to such court as may have proper jurisdiction thereof.

Sec. 3. The Governor, and all officers, civil and military, now holding commissions under the authority of this State, shall continue to hold and exercise their respective offices, until they shall be superseded, pursuant to the provisions of this Constitution, and until their successors be duly qualified.

Sec. 4. All laws now in force in this State, not repugnant to this Constitution, shall continue to operate, until they shall expire by their own limitation, or be altered or repealed by the Legislature.

Sec. 5. Immediately upon the adoption of this Constitution, the President of this Convention shall issue writs of election, directed to the Sheriffs of the several counties, requiring them to cause an election to be held for members of the Legislature, at the respective places of holding elections in said counties, which elections shall be conducted in the manner prescribed by the existing election laws of this State; and the members of the Legislature, thus elected, shall continue in office until the next general election, and shall convene at the Seat of Government, on the first Monday in January, 1833.

Sec. 6. Until the first enumeration shall be made, as directed by this Constitution, the apportionment of Senators and Representatives among the several districts and counties in this State, shall remain as at present fixed by law.

JOHN A. QUITMAN, *Chairman.*

On motion of Mr. Quitman,

Ordered that said report be received.

Whereupon,

It was read the first time.

On motion of Mr. Keegan,

The rule was dispensed with, and said report was read the second time.

Mr. Hurst moved that said report be referred to a committee of the whole and made the order of the day for Monday next.

A motion was then made by Mr. Runnels that it be referred to a committee of the whole and made the order of the day for Tuesday next—

And the question being taken thereon,

It was determined in the negative.

The question was then taken on Mr. Hurst's motion for Monday next—

And passed in the affirmative.

Mr. Jefferson, from the select committee on the Executive Department of the Constitution, made the following report:

Mr. President:

The Committee to whom was referred the report of the committee on the Executive Department of the Constitution, together with the amendments thereto, to put the same in proper form and report to the Convention, having had the same under consideration have instructed me to report as follows:

ARTICLE IV.

EXECUTIVE DEPARTMENT.

Sec. 1. The chief executive power of this State shall be vested in a Governor, who shall hold his office for two years from the time of his installation.

Sec. 2. The Governor shall be elected by the qualified electors of the State. The returns of every election for Governor shall be sealed up and transmitted to the Seat of Government, directed to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives at the next ensuing session of the Legislature; during the first week of which session the said Speaker shall open and publish them in the presence of both Houses of the Legislature: the person having the highest number of votes shall be Governor; but if two or more shall be equal, and the highest in votes, then one of them shall be chosen Governor by the joint ballot of both Houses of the Legislature. Contested elections for Governor shall be determined by both Houses of the Legislature, in such manner as shall be prescribed by law.

Sec. 3. The Governor shall be at least thirty years of age; shall have been a citizen of the United States for twenty years; shall have resided in this State at least five years next preceding the day of his election; and shall not be capable of holding the office more than four years in any term of six years.

Sec. 4. He shall at stated times receive for his services a compensation: which shall not be increased or diminished during the term for which he shall be elected.

Sec. 5. He shall be Commander in Chief of the Army and Navy of this State and of the Militia, except when they shall be called into the service of the United States.

Sec. 6. He may require information in writing from the officers in the Executive Department, on any subject relating to the duties of their respective offices.

Sec. 7. He may, in cases of emergency, convene the Legislature at the Seat of Government, or at a different place if that shall have become since their last adjournment dangerous, from an enemy or from disease; and in case of disagreement between the two Houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not beyond the day of the next stated meeting of the Legislature.

Sec. 8. He shall from time to time give to the Legislature information of the state of the Government, and recommend to their consideration such measures as he may deem necessary and expedient.

Sec. 9. He shall take care that the laws be faithfully executed.

Sec. 10. In all criminal and penal cases, except in those of treason and impeachment, he shall have power to grant reprieves and pardons and remit fines; and in cases of forfeiture to stay the collection until the end of the next session of the Legislatue, and to remit forfeitures by and with the advice and consent of the Senate. In cases of treason, he shall have power to grant reprieves, by and with the advice and consent of the Senate; but may respite the sentence until the end of the next session of the Legislature.

Sec. 11. All commissions shall be in the name and by the authority of the State of Mississippi; be sealed with the great seal and signed by the Governor, and be attested by the Secretary of State.

Sec. 12. There shall be a Seal of this State, which shall be kept by the Governor and used by him officially, and shall be called the "Great Seal of the State of Mississippi."

Sec. 13. When any office, the appointment to which is by this Constitution vested in the Legislature, or the qhalified electors of the State, or of any district or county, shall during the recess of the Legislature, or in less than thirty days before the term fixed by law for an election to fill such office, by death, resignation, or other means, become vacant, the Governor shall have power to fill such vacancy by granting a commission which shall expire at the end of the next session of the Legislature, or when a successor shall be duly elected, as the case may be, except in cases otherwise directed by this Constitution. And if such vacancy occur more than thirty days before such stated periodical election, the Governor shall issue a writ requiring an election to be held at the respective places, and in the manner prescribed by law, to fill such vacancy.

Sec. 14. The Secretary of State shall be elected by the qualified electors of the State, and shall continue in office during the term of two years. He shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before the Legislature, and shall perform such other duties as may be required of him by law.

Sec. 15. Every bill which shall have passed both Houses of the Legislature, shall be presented to the Governor. If he approve, he shall sign it; but if not, he shall return it with his objections to the House in which it shall have originated; which shall enter the objections at large upon their Journals, and proceed to re-consider it. If, after such re-consideration, two-thirds of the House shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which it shall likewise be re-considered. If approved by two-thirds of that House, it shall become a law; but in such case, the votes of both Houses shall be determined by the yeas and nays, and the names of the members voting for and against the bill, shall be entered on the Journals of each House, respectively. If any bill shall not be returned by the Governor within six days, Sundays excepted, after it shall have been presented to him, the same shall become a law in like manner as if he had signed it; unless the Legislature, by their adjournment, prevent its return; in which case it shall not become a law.

Sec. 16. Every order, resolution or vote, to which the concurrence of both Houses may be necessary, except resolutions for the purpose of obtaining the joint action of both Houses, and on questions of adjournment, shall be presented to the Governor; and before it shall take effect, be approved by him, or being disapproved, shall be re-passed by both Houses, according to the rules and limitations prescribed in the case of a bill.

Sec. 17. Whenever the office of Governor shall become vacant by death, resignation, removal from office, or otherwise, the President of the Senate shall exercise the office of Governor, until another Governor shall be duly qualified; and in case of the death, resignation, removal from office, or other disqualification of the President of the Senate, so exercising the office of Governor, the Speaker of the House of Representatives shall exercise the office until a President of the Senate shall have been chosen; and when the office of Governor, President of the Senate and Speaker of the House shall become vacant in the recess of the Senate, the person acting as Secretary of State, for the time being, shall, by proclamation, convene the Senate, that the President may be chosen to exercise the office of Governor.

Sec. 18. When either the President or Speaker of the House of Representatives shall so exercise said office, he shall receive the compensation of Governor only, and his duties as President or Speaker, shall be suspended, and the Senate or House of Representatives, as the case may be, shall fill the vacancy until his duties of Governor shall cease.

Sec. 19. A Sheriff and one or more Coroners, a Treasurer, Surveyor and Ranger, shall be elected in each county, by the qualified electors thereof, who shall hold their offices for two years, unless sooner removed, except that the Coroner shall hold his office until his successor be duly qualified.

Sec. 20. A State Treasurer and Auditor of Public Accounts, shall be elected by the qualified electors of the State, who shall hold their offices for the term of two years, unless sooner removed.

C. JEFFERSON, *Chairman.*

On motion of Mr. Jefferson,

It was ordered that said report be received.

Whereupon,

It was read the first time.

On motion of Mr. Farish,

The rule was dispensed with, and said report was read the second time.

On motion of Mr. Farish,

Ordered that said report be committed to a committee of the whole and made the order of the day for Monday next.

On motion of Mr. Quitman,

The following resolution was adopted:

Resolved, That the reports of the several select committees appointed to arrange in form the several portions of the revised Constitution, after having been passed through the committee of the whole and agreed to in Convention, shall be referred to a select committee to arrange and report the whole in proper form.

And Messrs. Quitman, Magee, Grayson, Stewart, Black, Jefferson, Runnels, Keegan and Williams, were appointed in pursuance thereto.

Mr. Runnels moved that the following resolution be adopted:

Resolved, That fifty copies of the reports of the several committees on the several departments of the Constitution, be printed forthwith for the use of this Convention.

And the question being taken thereon,

It was determined in the negative.

The report of the select committee on the Judicial Department of the Constitution, was read the second time.

On motion of Mr. Hurst,

It was ordered that said report be referred to a committee of the whole and made the order of the day for Monday next.

And then the House adjourned.

Monday, October 22, 1832.

The Convention met agreeably to adjournment—

When the following resolutions were submitted by Mr. Redd:

1. Resolved, That it is expedient and absolutely necessary for this Convention to form and establish a basis of Representation for this State.

2. Resolved, That in several counties in this State there now exists unequal representation, oppressive, unjust, and contrary to the true spirit and meaning of our Republican Government.

3. Resolved, That the approaching session of the Legislature will be one of the highest consequence, in relation to the Government and laws of this State, and that each portion thereof should be fairly and impartially represented.

On motion of Mr. Redd,

It was ordered that said resolutions be made the order of the day for to-morrow.

On motion of Mr. Quitman,

It was ordered that the report of the select committee on the Legislative Department of the Government be referred to the select committee appointed to arrange in form the several portions of the revised Constitution.

On motion of Mr. Keegan,

The Convention proceeded to the consideration of the report of the select committee on the Declaration of Rights; and thereupon,

It was ordered that said report be referred to the select committee appointed to arrange in form the several portions of the revised Constitution.

The report of the select committee on the General Provisions of the Constitution being in order for a committee of the whole—

It was ordered, on motion of Mr. Duncan, that the order on said report be postponed, until two o'clock, P. M., no this day.

According to the order of the day—

The Convention resolved itself into a committee of the whole, on the report of the select committee on the Executive Department of the Constitution—Mr. Hurst in the chair.

The 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th and 12th sections of said report being read, and no amendments proposed—

The 13th was read, and the following amendment proposed thereto by Mr. Jefferson:

Strike out the whole of said section, and insert in lieu thereof the words to wit:

"All vacancies not provided for in this Constitution, shall be filled in such manner as the Legislature may prescribe."

And the question being taken thereon,

It was determined in the affirmative.

The 14th, 15th, 16th, 17th, 18th and 19th sections were read, and no amendments being proposed, the 20th was read; when

It was moved by Mr. Redd that the same be amended as follows:

Strike out the words "the qualified electors of the State," and insert in lieu thereof the words, to wit:

"Joint ballot of both Houses of the Legislature."

And the question being taken thereon,

It was decided in the negative.

YEAS 17—NAYS 21.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Greenleaf, Hicks, Jefferson, Johnson, Jones of Jones, Knox, Lowe, Magee, McLaughlin, McMillan, Pope, Quitman, Redd, Runnels, Scott, Williams, Williamson,—17.

Those who voted in the negative are—

Messrs. Pray, (president) Bacot, Cain, Dickson, Duncan, Farish, Floyd, Freeland, Grayson, Higgason, Hurst, Keegan, Kennedy, Lynch, McNabb, McRae, Pendleton, Rose, Seamon, Stewart, Wright—21.

Mr. Keegan moved that the said report of the select committee on the Executive Department of the Constitution be amended by adding, at the end thereof, the four sections of the old Constitution, under the head of Militia:

And the question thereon being taken;

It was decided in the affirmative.

Mr. Stewart moved that the second section of said report, under the head of Militia, be so modified that it will read as follows:

"Officers of the militia, (staff officers excepted,) shall be elected by the qualified electors, in such manner as the legislature shall, from time to time direct, and shall be commissioned by the Governor."

And the question being taken thereon,

It was determined in the negative.

Mr. Floyd moved that the third section of said report, under the head of Militia, be stricken out; when

A debate arose—

And the previous question was called for by Mr. Duncan, and being demanded by one third of the members present,

The said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the third section of said report under the head of Militia be stricken out?

And determined in the affirmative.

YEAS, 20—NAYS, 17.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Bacot, Farish, Floyd, Greenleaf, Hicks, Higgason, Hurst, Jones of Jones, Kennedy, Knox, Quitman, Redd, Rose, Runnels, Scott, Seamon, Stewart, Trotter, Williamson, Wright—20.

Those who voted in the negative are—

Messrs. Pray, (President,) Dickson, Duncan, Falconer, Freeland, Grayson, Jefferson, Johnson, Keegan, Lowe, Lynch, Magee, McLaughlin, McMillan, McNabb, McRae, Williams—17.

Mr. Redd moved to amend the 14th section of said report as follows:

Strike out the words "elected by the qualified electors of the State," and insert in lieu thereof the words, to wit:

"Appointed by joint ballot of both Houses of the Legislature."

A division of the question being called for, by Mr. Greeleaf,

It was taken on striking out,

And determined in the negative.

YEAS, 13—NAYS, 26.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Falconer, Greenleaf, Jefferson, Jones of Jones, Knox, Magee, McMillan, Quitman, Redd, Runnels, Scott, Williams, Williamson,—13.

Those who voted in the negative are—

Messrs. Pray, (President,) Bacot, Cain, Dickson, Duncan, Farish, Floyd, Freeland, Grayson, Hicks, Higgason, Hurst, Johnson, Keegan, Kennedy, Lowe, Lynch McLaughlin, McNabb, McRae, Pendleton, Rose, Seamon; Stewart, Trotter, Wright—26.

Mr. Stewart moved to amend the second section of said report under the head of Militia, as follows:

Strike out the whole of said section, and insert the words, to wit:

"Officers of Militia, (staff officers and the officers of volunteer companies excepted,) shall be elected by the persons liable to perform military duty within their respective commands, and shall be commissioned by the Governor."

Mr. Wright moved to amend said amendment as follows:

Insert after the word "duty" the words "and the qualified electors."

And the question being taken thereon,

It was decided in the affirmative.

The question then recurred on Mr. Stewart's amendment as amended

And a division of the same being demanded,

It was first taken on striking out,

And passed in the affirmative.

YEAS 26—NAYS 12.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Austin, Bacot, Cain, Farish, Floyd, Hicks, Niggason, Hurst, Johnson, Jones of Jones, Keegan, Kennedy, Lowe, Magee, McNabb, Pendleton, Redd, Rose, Runnels, Seaman, Stewart, Trotter, Williams, Williamson, Wright—26.

Those who voted in the negative are—

Messrs Dickson, Duncan, Falconer, Freeland, G[illegible]son, Greenleaf, Jefferson, Knox, McLaughlin, McMillan, Quitman, Scott—12.

The question was then taken on inserting the words contained in the second proposition of said amendment,

And passed in the affirmative.

The committee then, on motion of Mr. Duncan, rose, and the President resumed the chair; when

Mr. Hurst reported that the committe of the whole had had the report of the select committee on the Executive Department of the Constitution under consideration, had made sundry amendments thereto, and had instructed him to report the same as amended.

On motion of Mr. Hurst,

It was ordered that said report be received and agreed to.

On motion of Mr. Duncan,

It was ordered that said report be referred to the select committee appointed to arrange in form the several portions of the revised Constitution.

According to the order of the day—

The Convention resolved itself into a committee of the whole, on the report of the select committee on the Judicial Department of the Constitution—Mr. Duncan in the chair.

The first section of said report being read and no amendment proposed, the second was read · when

It was moved by Mr. Freeland, that the same be amended as follows:

Strike out the words "the qualified electors of the District," and insert in lieu thereof the words to wit:

"The Governor shall nominate two persons, and the Senate shall appoint one of the number."

It was then moved, by Mr. Johnson, that there be a call of the House,

And the question being taken thereon,

It passed in the affirmative.

The roll of the members was then called by the Secretary, when it appeared that the following named members answered to their names:

Messrs. Austin, Bacot, Cain, Dickson, Duncan, Falconer. Farish, Floyd, Freeland, Grayson, Greenleaf, Hicks, Higgason, Hurst, Jefferson, Johnson, Jones of Jones, Keegan, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, McNabb, McRae, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Scott, Seamon, Trotter, Williams, Williamson, Wright—39.

Mr. Runnels moved that the absent members be sent for,

And the question being taken thereon,

It was determined in the negative.

The question then recurred on the amendment proposed by Mr. Freeland, when he asked and obtained leave to withdraw the same.

The 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th and 13th sections of said report being read, and no amendments proposed,

The 14th was read—

When it was moved, by Mr. Hurst, that the same be amended by adding at the end thereof the words following, to wit

"And an appeal shall be secured by law."

And the question being taken thereon,

It was determined in the negative.

Mr. Pendleton moved that said section be amended as follows:

Strike out the word "fifty" and insert in lieu thereof the words "seventy-five."

A division of the question being demanded by Mr. Magee,

It was taken on striking out,

And determined in the negative.

Mr. Williamson moved the following as an amendment to said section:

Strike out the word "fifty" and insert in lieu thereof the word "twenty-five."

A division of the question being called for by Mr. Pray, (President.)

It was taken on striking out,

And determined in the negative.

The 15th and 16th of said sections being read, and no amendments proposed—

It was moved, by Mr. Wright, that the 17th of said sections be amended as follows:

Strike out the whole of said section and insert in lieu thereof the words, to wit:

"That the High Court of Errors and Appeals shall be held twice in each year, at the seat of Government of the State."

Mr. Hurst moved to amend said amendment by adding at the end thereof the words following, to wit: (which was acceded to by Mr. Wright.)

"And at such other place or places as may be directed by the Legislature."

The question then recurred on the amendment offered by Mr. Wright as amended.

And a division thereof being demanded;

A discussion arose—

When the previous question was called for by Mr. Johnson, and being demanded by one third of the members present;

The said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the words proposed to be stricken out in Mr. Wright's amendment be stricken out?

And determined in the negative,

YEAS 18—NAYS 24.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Austin, Bacot, Cain, Floyd, Hicks, Higgason, Hurst, Jones of Jones, Lowe, McLaughlin, McNabb, McRae, Runnels, Scott, Stewart, Trotter, Williamson, Wright—18.

Those who voted in the negative are—

Messrs. Pray, (President,) Dickson, Duncan, Falconer, Farish, Freeland, Gale, Grayson, Greenleaf, Jefferson, Johnson, Keegan, Kennedy, Knox, Lynch, Magee, McMillan, Pendleton, Pope, Quitman, Redd, Rose, Seamon, Williams—24.

Mr. Quitman moved to amend the 16th of said sections as follows:

Strike out the words "Judge of said Court," and insert in lieu thereof the word "Chancellor."

And the question being put,

It passed in the affirmative—

Mr. Magee moved to amend said section by adding at the end thereof the words following, to wit:

"And shall be at least thirty years old at the time of his election."

And the question being taken thereon,

It passed in the affirmative.

Mr. Magee moved further to amend said section as follows:

Strike out the word "four" in the last line and insert in lieu thereof the word "six."

A division of the question being demanded by Mr. Stewart,

It was taken first on striking out,
And decided in the affirmative:
It was then taken on inserting the word "six."
And passed in the affirmative.

YEAS 28—NAYS 14.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Austin, Bacot, Dickson, Duncan, Falconer, Farish, Floyd, Freeland, Gale, Grayson, Greenleaf, Hicks, Jefferson, Johnson, Knox, Magee, McLaughlin, McRae, Pendleton, Pope, Quitman, Redd, Runnels, Scott, Seamon, Trotter, Williams—28.

Those who voted in the negative are—

Messrs. Cain, Higgason, Hurst, Jones of Jones, Keegan, Kennedy, Lowe, Lynch, McMillan, McNabb, Rose, Stewart, Williamson, Wright—14.

The 17th section was then read and no amendment being proposed;
The 18th was read—
And the following amendment proposed thereto by Mr. Keegan:
Strike out from the word "State" in the second line to the word "mentis" inclusive.
And the question being taken thereon,
It was determined in the negative.

Yeas 13—Nays 27.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Falconer, Farish, Grayson, Keegan, Kennedy, Pendleton, Pope, Quitman, Scott, Seamon, Williams, Williamson, Wright—13.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Cain, Dickson, Duncan, Floyd, Freeland, Gale, Greenleaf, Hicks, Hurst, Jefferson, Johnson, Jones of Jones, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, McRae, Redd, Rose, Runnels, Stewart, Trotter—27.

Mr. Runnels moved to amend said section as follows;
After the word "Judge" insert the words "or Judges."
And the question being taken thereon,
It was determined in the negative.
The 19th section being read and no amendment proposed;
The 20th was read—
And the following amendment proposed thereto by Mr. Greenleaf:
Strike out the words "five persons" and insert in lieu thereof the words "one President and four Associate Justices."
And the question being taken thereon,
It was decided in the negative.
The 21st, 22d and 23d sections being read, and no amendments proposed;

The 24th was read—

When it was moved, by Mr. Magee, that the same be amended by adding at the end thereof the words following, to wit:

"And abolish the same whenever it may be expedient to do so."

And the question being put,

It passed in the affirmative.

Mr. Stewart moved to amend said section as follows:

Strike out the whole of said section.

And the question being taken thereon,

It was decided in the negative.

The 25th and 26th sections being read, and no amendments proposed;

The 27th was read—

When it was moved, by Mr. Hicks, that the same be amended as follows:—

Strike out the words "two-thirds," and insert in lieu thereof the words "a majority."

And the question being taken thereon,

It was determined in the negative.

YEAS 13—NAYS 25.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Cain, Duncan, Farish, Gale, Greenleaf, Hicks, Higgason, Hurst, McLaughlin, Stewart, Williams, Williamson, Wright—13.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Falconer, Floyd, Freeland, Grayson, Jefferson, Johnson, Jones of Jones, Kennedy, Lowe, Lynch, Magee, McMillan, McRae, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Scott, Seamon, Trotter—25.

Mr. Quitman moved to amend said resolution as follows:

Strike out in the first line from the word "of" to the word "Courts," and insert the words "the several."

And the question being put,

It passed in the affirmative.

Mr. Johnson moved to amend said section by adding at the end thereof the words following, to wit:

"The vote for such address shall be taken by yeas and nays, and entered on the journals of each House."

And the question being taken thereon,

It was decided in the affirmative.

Mr. Quitman moved further to amend said section as follows:

Strike out the word "ballot" and insert in lieu thereof the word "vote."

And the question being put,

It passed in the affirmative.

The 28th section was read, and the following amendment proposed thereto:

By Mr. Magee:

Strike out the whole of said section and insert in lieu thereof the words following, to wit:

"Judges of Probate, Clerks, Sheriffs, and other county officers, for wilful neglect of duty or misdemeanor in office, shall be liable to presentment or indictment by a Grand Jury and trial by a Petit Jury, and upon conviction thereof shall be removed from office."

And the question being taken thereon,

It passed in the affirmative.

Mr. Hurst moved to amend said section as follows:

Strike out in the first line the words "of Probate."

And the question being put,

It was determined in the negative.

The committee then, on motion of Mr. Hurst, rose, and the President resumed the Chair—

When Mr. Duncan reported that the committee of the whole had had the report of the select committee on the Judicial Department of the Government, under consideration, had made sundry amendments thereto, and had instructed him to report the same as amended.

On motion of Mr. Duncan,

It was ordered that said report be received.

On motion of Mr. Hurst,

It was ordered that the same be agreed to.

It was then ordered, on a motion made by Mr. Magee, that said report be referred to the select committee appointed to arrange in form the several portions of the revised Constitution.

Then the House adjourned 'till two o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met agreeably to adjournment—

And pursuant to the order of the day, resolved itself into a committee of the whole on the General Provisions of the Constitution; Mr. Johnson in the chair.

The 1st, 2d and 3d sections under the head of Impeachments, being read, and no amendments proposed—

The 1st and 2d sections under the head of General Provisions, was read, when it was moved, by Mr. Greenleaf, to amend the 2d of said sections as follows:

Strike out the words "extending to disqualification from office or the tenure thereof."

And the question being taken thereon,

It was determined in the negative.

Mr. Farish moved to amend said section as follows:

Strike out the whole of the section.

And the question being taken thereon,

It was determined in the negative.

YEAS, 16—NAYS, 22.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Black, Falconer, Farish, Floyd, Greenleaf, Howard, Hurst, Magee, McNabb, Quitman, Seamon, Stewart, Trotter, Williams, Williamson, Wright—16.

Those who voted in the negative are—

Messrs. Pray, (President) Austin, Bacot, Cain, Dickson, Duncan, Freeland, Gale, Grayson, Hicks, Johnson, Jones of Jones, Keegan, Lowe, Lynch, McLaughlin, McMillan, McRae, Pope, Rose, Runnels, Scott—22.

Mr. Pray, (President,) moved to amend said section as follows:

Strike out the word "from" and insert in lieu thereof the word "for."

And the question being put,

It passed in the affirmative.

Mr. Wright moved the following as an amendment to said section:

Strike out the word "shall" and insert in lieu thereof the word "may."

And the question being taken thereon,

It was determined in the negative.

Mr. Quitman moved that said section be amended as follows:

Strike out the words "or the tenure thereof."

And the question being taken thereon,

It was decided in the negative.

Mr. Keegan moved to amend said section as follows:

Strike out the whole of said section and insert the words, to wit:

"No person shall hereafter be eligible to any office of profit or trust under this State, who shall hereafter either directly or indirectly be guilty of the evil practice of duelling; and every person elected or appointed before he enters on the duties of his office, in addition to the oath already prescribed, shall swear that he has not been so concerned."

Mr. Pray, (President,) moved to amend said amendment as follows, which was acceded to by Mr. Keegan.

Strike out the words "either or indirectly."

The question then recurred on the amendment as amended;

And a division thereof being demanded—

It was taken first on striking out,

And passed in the affirmative.

YEAS, 26—NAYS, 11.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Bacot, Black, Falconer, Farish, Floyd, Freeland, Greenleaf, Higgason, Hurst, Jones of Jones, Keegan, Kennedy, Lowe, Lynch, Magee, McRae, Quitman, Redd, Rose, Scott, Seamon, Trotter, Williams, Williamson, Wright—26.

Those who voted in the negative are—

Messrs. Austin, Duncan, Gale, Grayson, Hicks, Howard, Johnson, McMillan, McNabb, Pope, Runnels—11.

The question then recurred on the second proposition of Mr. Keegan's amendment;

When it was moved, by Mr. Scott, that the same be amended as follows, which was acceded to by Mr. Keegan:

Add at the end of the sentence the words, to wit: "nor will be so concerned during his continuance in office."

The question was then taken on the second proposition of said amendment—

And determined in the negative.

YEAS 21—NAYS 21.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Austin, Bacot, Cain, Duncan, Freeland, Gale, Grayson, Johnson, Jones of Jones, Keegan, Kennedy, Lowe, Lynch, McMillan, McNabb, McRae, Pendleton, Rose, Scott, Stewart—21.

Those who voted in the negative are—

Messrs. Black, Dickson, Falconer, Farish, Floyd, Greenleaf, Hicks, Higgason, Hurst, Knox, Magee, McLaughlin, Pope, Quitman, Redd, Runnels, Seamon, Trotter, Williams, Williamson, Wright—21.

Mr. Black moved to fill the blank of said section with the following words, to wit:

"The Legislature shall have power to pass such laws to suppress the evil practice of duelling, as they may deem expedient."

And the question being put,

It passed in the affirmative.

Mr. Pray, (President,) moved to amend the first section of said report under the head of article fourth, by adding at the end thereof the words following, to wit:

"I do further solemnly swear or affirm (as the case may be) that I have not been engaged in a duel by sending or accepting a challenge to fight a duel, or by fighting a duel since the first day of January, 1833, nor will I be so engaged during my continuance in office. So help me God."

It was then moved, by Mr. Pray, (President,) that there be a call of the House.

And the question being taken thereon,

It was decided in the affirmative.

The roll of the members was then called by the Secretary, when it appeared that the following named members answered to their names:

Messrs. Austin, Bacot, Black, Cain, Dickson, Duncan, Falconer, Farish, Floyd, Freeland, Gale, Grayson, Greenleaf, Hicks, Higgason, Hurst, Johnson, Jones of Jones, Keegan, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, McNabb, McRae, Pope, Quitman, Rose, Runnels, Scott, Seamon, Stewart, Trotter, Williams, Williamson, Wright.

Further action on said call being dispensed with—

It was moved, by Mr. Farish, to amend the amendment offered by Mr Pray, (President,) as follows:

Insert between the word "duel" and the word "since" the words "in this State."

And the question being taken thereon,

It was determined in the negative.

YEAS, 7—NAYS, 36.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Farish, Floyd, Greenleaf, Knox, Pope, Seamon, Wright—7.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Black, Cain, Dickson, Duncan, Falconer, Freeland, Gale, Grayson, Hicks, Higgason, Howard, Hurst, Johnson, Jones of Jones, Keegan, Kennedy, Lowe, Lynch, Magee, McLaughlin, McMillan, McNabb, McRae, Pendleton, Quitman, Redd, Rose, Runnels, Scott, Stewart, Trotter, Williams, Williamson—36.

Mr. Williamson moved that the amendment offered by Mr. Pray, (President,) be so modified as to read as follows:

"I do solemnly swear or affirm (as the case may be) that I will not be engaged in a duel, by sending, receiving or accepting a challenge, during my continuance in office."

And the question being taken thereon,

It was decided in the negative.

The question was then taken on the amendment proposed by Mr. Pray, (President,)

And passed in the affirmative.

YEAS 26—NAYS 18.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Austin, Bacot, Black, Cain, Duncan, Falconer, Freeland, Gale, Grayson, Hurst, Johnson, Jones of Jones, Keegan, Kennedy, Lowe, Lynch, McLaughlin, McMillan, McNabb, McRae, Pendleton, Rose, Scott, Stewart, Wright—26.

Those who voted in the negative are—

Messrs. Dickson, Farish, Floyd, Greenleaf, Hicks, Higgason, Howard, Knox, Magee, Morris, Pope, Quitman, Redd, Runnels, Seamon, Trotter, Williams, Williamson—18.

On motion of Mr. Black,

The vote taken on the amendment proposed by him to the 2d section under the head of General Provisions, was reconsidered;

And the question being taken on the re-adoption of said amendment,

It was decided in the negative.

The 3d, 4th and 5th sections being read and no amendments proposed,

The 6th was read—

And the following amendment proposed thereto by Mr. Floyd:

Strike out the whole of said section.

And the question being taken thereon,

It was determined in the negative.

Mr. Williamson moved to amend said section as follows:

Strike out the words "in the civil department" and insert in lieu thereof the words "under the authority of this State."

And the question being taken thereon,

It was determined in the negative.

It was then moved, by Mr. Howard, that the Convention do reconsider its vote taken on said amendment.

And the question being taken thereon,

It was decided in the negative.

The 7th and 8th sections being read and no amendments proposed;

The 9th was read—

And the following amendment proposed thereto by Mr. Trotter:

Strike out all of said section to the word "Legislature" inclusive.

And the question being taken thereon,

It was determined in the negative.

YEAS 18—NAYS 25.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Austin, Hicks, Higgason, Howard, Keegan, Kennedy, Knox, Lynch, Magee, McLaughlin, Pendleton, Redd, Rose, Scott, Trotter, Williamson, Wright—18.

Those who voted in the negative are—

Messrs. Bacot, Black, Cain, Dickson, Duncan, Falconer, Farish, Floyd, Freeland, Gale, Grayson, Greenleaf, Hurst, Johnson, Jones of Jones, Lowe, Morris, McNabb, McRae, Pope, Quitman, Runnels, Seamon, Stewart, Williams—25.

The 10th section being read—

Mr. Greenleaf moved that the same be amended by adding at the end thereof the words following, to wit:

"Nor to prevent the Legislature from granting from time to time such further aid and assistance to said Bank as the wants of the community and the interest of the State may require."

Mr. Keegan moved to amend said amendment as follows—

Which was acceded to by Mr. Greenleaf;

Strike out "to," after the word "assistance," and insert the words, to wit: "by effecting a loan for."

The question was then taken on Mr. Greenleaf's amendment as amended,

And passed in the affirmative.

YEAS, 26—NAYS, 14.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Austin, Bacot, Dickson, Gale, Greenleaf, Hicks, Higgason, Howard, Hurst, Keegan, Kennedy, Knox, Lynch, Magee, McLaughlin, McMillan, Pendleton, Pope, Rose, Runnels, Scott, Stewart, Trotter, Williams, Williamson—26.

Those who voted in the negative are—

Messrs. Black, Cain, Duncan, Falconer, Farish, Floyd, Freeland, Grayson, Johnson, Jones, of Jones, McNabb, McRae, Quitman, Seamon—14.

Mr. Grayson moved to amend said section by adding at the end thereof the words following, to wit:

"Provided the faith of the State shall never be pledged for any loan or loans to a greater amount than four millions of dollars."

The committee then, on motion of Mr. Dickson, rose, and the President resumed the chair; when

Mr. Johnson reported that the committee of the whole had had the report of the select committee on the General Provisions of the Constitution under consideration, had made some progress therein, but not having time to go through the whole of the business, had instructed him to report progress and ask leave to sit again.

Mr. Johnson moved that said report be received and agreed to.

Mr. Hurst demanded a division of the question—

When it was taken on receiving said report,

And passed in the affirmative.

It was then taken on agreeing to said report,

And decided in the affirmative.

A motion was then made by Mr. Farish that the House adjourn 'till 7 o'clock, this evening—

And the question being put,

It was determined in the negative.

And then, on motion of Mr. Stewart, the House adjourned.

Tuesday, October 23, 1832.

The Convention met pursuant to adjournment—

When the following resolutions were submitted by Mr. Greenleaf:

1. Resolved, That the following be added as a new section to the General Provisions:

"All offices that may become vacant by death, resignation, or removal, shall be filled only for the remainder of the unexpired term; and the first Monday and day following in November of every year shall be the period of holding annual elections, for the purpose of filling all vacancies (not otherwise directed in this Constitution to be filled by a special election) for the remainder of such unexpired term."

2. Resolved, That the two following sections be added to the Judicial Department:

"1st. In the election of all judicial officers, it shall require one third of the whole number of votes given in for such judicial officer to constitute an election: And whenever there may be a failure so to elect, the Governor shall appoint and commission one of the two candidates having the highest number of votes, which commission shall expire at the next regular annual election.

"2d. Every judicial office that may become vacant by death, resignation, removal, or a failure to elect on the part of the people, shall be filled thereafter only for the remainder of the unexpired term; and until the first regular annual election thereafter, the vacancy shall be filled by an executive appointment."

Mr. Redd moved that said resolutions lie on the table—

And the question being taken thereon,

It was determined in the negative.

It was then moved by Mr. Duncan that said resolutions be indefinitely postponed.

Mr. Johnson called for a division of the question on the resolutions.

Whereupon,

The question of indefinite postponement was taken on the first resolution—

And passed in the affirmative.

The question of indefinite postponement then recurred on the second resolution—

And passed also in the affirmative.

Mr. Runnels submitted the following resolution:

Resolved, That it is expedient to add in the new Constitution, under the head of General Provisions, the ordinance which is contained in the old Constitution."

Mr. Stewart moved the indefinite postponement of said resolution.

A debate arose—

When the previous question was called for by Mr. Duncan.

Whereupon,

It was moved by Mr. Hurst that said resolution lie on the table.

Pending which motion—

The previous question was called for by Mr. Johnson,

And being demanded by one third of the members present,

The said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the said resolution lie on the table?

And determined in the negative.

Mr. Grayson then moved that said resolution be indefinitely postponed;

When a discussion arose—

And the previous question was again called for by Mr. Johnson—

And being demanded by one third of the members present,

The said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall said resolution be indefinitely postponed?

And passed in the affirmative.

YEAS 26—NAYS 15.

The yeas and nays being demanded by two of the members present,

Those who voted in the affirmative are—

Messrs. Pray, (President,) Black, Cain, Falconer, Farish, Greenleaf, Hicks, Higgason, Howard, Jefferson, Johnson, Kennedy, Knox, Lynch, Magee, McLaughlin, McNabb, McRae, Pendleton, Pope, Quitman, Redd, Rose, Stewart, Trotter, Wright—26.

Those who voted in the negative are—

Messrs. Austin, Bacot, Duncan, Floyd, Freeland, Grayson, Hurst, Keegan, Lowe, McMillan, Runnels, Scott, Seamon, Williams, Williamson—15.

Mr. Pendleton submitted the following resolution:

Resolved, That after Wednesday, the 24th instant, no new business shall be introduced into the Convention, without the consent of two thirds of its members.

Mr. Stewart moved that said resolution be indefinitely postponed—

And the question being taken thereon,

It passed in the affirmative.

On motion of Mr. Scott,

The following resolution was adopted:

Resolved, That the committee heretofore appointed to consolidate the different reports in the form of an entire Constitution be instructed to prepare and report a suitable preamble thereto: And that article the second of the old Constitution, upon the subject of distribution of powers, be likewise referred to said committee.

The resolutions offered by Mr. Redd, in relation to a basis and apportionment of representation, were in order for a second reading.

Mr. Hurst moved the indefinite postponement of said resolutions:

Pending which motion, a discussion arose—

When the previous question was called for by Mr. Duncan,

And being demanded by one third of the members present,

The said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the said resolutions be indefinitely postponed?

And determined in the negative.

Yeas 20—Nays 22.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Black, Cain, Duncan, Falconer, Farish, Freeland, Gale, Grayson, Hurst, Jefferson, Johnson, Keegan, Lynch, McNabb, McRae, Pendleton, Pope, Quitman, Seamon, Williams—20.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Dickson, Floyd, Greenleaf, Hicks, Howard, Kennedy, Knox, Lowe, McLaughlin, Magee, McMillan, Redd, Rose, Runnels, Scott, Stewart, Trotter, Williamson, Wright—22.

It was then moved by Mr. Williamson that said resolutions be referred to a committee of the whole House, and made the order of the day for to-morrow.

Mr. Quitmen moved that the same do lie on the table.

Whereupon,

It was moved by Mr. Hurst that there be a call of the House—

And the question being taken thereon,

It was determined in the negative.

The question was then taken on the motion made by Mr. Quitman, that said resolutions lie on the table—

And passed in the affirmative.

Mr. Scott submitted the following resolution:

Resolved, That the resolution on the subject of apportionment be referred to a committee, with instructions to report a clause or section on that subject, for the purpose of incorporating the same in the Constitution.

Mr. Stewart moved the adoption of said resolution.

Mr. Hurst moved that the same be amended as follows:

Insert after the word "committee" the words, to wit:

"Composed of one member from each county."

And the question being taken thereon,

It was determined in the negative.

Mr. Scott moved the following as an amendment to said resolution:

Insert after the word "committee" the words, to-wit:

"Of twelve members, one from each Senatorial District."

And the question being taken thereon,

It was decided in the negative.

The question was then taken on Mr. Stewart's motion for the adoption of said resolution,

And determined in the negative.

YEAS, 21—NAYS, 22.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Austin, Dickson, Floyd, Greenleaf, Hicks, Higgason, Howard, Johnson, Kennedy, Knox, Lowe, McLaughlin, Redd, Rose, Runnels, Scott, Stewart, Trotter, Williamson, Wright—21.

Those who voted in the negative are—

Messrs. Bacot, Black, Cain, Duncan, Falconer, Farish, Freeland, Gale, Grayson, Hurst, Jefferson, Jones of Jones, Keegan, Lynch, McMillan, Morris, McRae, Pendleton, Pope, Quitman, Seamon Williams—22.

On motion of Mr Grayson,

The Convention proceeded to consider the resolutions in relation to a basis and an apportionment of representation; whereupon,

It was moved by Mr. Grayson, that the same be indefinitely postponed.

It was then moved, by Mr. Kennedy, that the further consideration of said resolutions be postponed until to-morrow?

Pending which motion, a debate arose—

When the previous question was called for by Mr. Johnson, and being demanded by one-third of the members present,

The said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the further consideration of said resolutions be postponed until to-morrow.

And determined in the negative.

Yeas 20—Nays 24.

The yeas and nays being demanded, by two of the members present:

Those who voted in the affirmative, are—

Messrs. Pray, (President,) Austin, Dickson, Floyd, Greenleaf, Hicks, Higgason, Howard, Johnson, Kennedy, Knox, Lowe, McLaughlin, Redd, Rose, Runnels, Scott, Stewart, Trotter, Williamson—20.

Those who voted in the negative are—

Messrs. Bacot, Black, Cain, Duncan, Falconer, Farish, Freeland, Gale, Grayson, Hurst, Jefferson, Jones, of Jones, Keegan, Lynch, McMillan, Morris, McNabb, McRae, Pendleton, Pope, Quitman, Seamon, Williams, Wright—24.

The question then recurred on the motion made by Mr. Grayson to postpone said resolutions indefinitely; when

A debate arose.

And the previous question was called for by Mr. Grayson, and being demanded by one-third of the members present,

The said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall said resolution be indefinitely postponed?

And passed in the affirmative.

Yeas, 25—Nays, 19.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Bacot, Black, Cain, Dickson, Duncan, Falconer, Farish Freeland, Gale, Grayson, Hurst, Jefferson, Johnson, Jones, of Jones, Keegan, Lynch, McMillan, Morris, McNabb, McRae, Pendleton, Pope, Quitman, Seamon, Williams—25.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Floyd, Greenleaf, Hicks, Higgason, oward, Kennedy, Knox, Lowe, McLaughlin, Redd, Rose, Runnels, cott, Stewart, Trotter, Williamson, Wright--19.

On motion of Mr. Johnson,

The Convention resumed in committee of the whole, the consideration f the report of the select committee on the General Provisions of the onstitution—Mr. Johnson in the chair.

And the question recurring on the amendment proposed by Mr. Gray- n on yesterday, to the 10th section of said report, he asked and obtain- l leave to withdraw said amendment.

On motion of Mr. McMillan,

The vote taken on yesterday on the amendment proposed by Mr. Green- af, to the 10th section of said report, was reconsidered.

And the question recurring on the re-adoption of said amendment,

It was moved, by Mr. Keegan, that the same be amended by adding at e end thereof the words following, to wit:

"Provided the faith of the State shall never, at any time, be pledged for y loan or loans to a greater amount than two millions of dollars."

And the question being taken thereon,

It was determined in the negative.

Mr. Williams moved that said amendment be amended as follows:

Insert after the word "loan" the words, to wit:

"Necessary to carry into effect the original charter of the Planter's nk," and strike out all after the word "loan."

And the question being taken thereon,

It passed in the affirmative.

The question was then taken on the re-adoption of said amendment, as ended,

And determined in the negative.

Mr. Black moved to amend the 10th section of said report as follows:

Strike out all after the word "provided," and insert the words, to wit:

"That nothing in this section shall be so construed as to prevent the gislature from negotiating a further loan of one million and a half of llars, and vesting the same in stock reserved to the State by the charter the Planter's Bank."

And the question being put,

It passed in the affirmative.

The committee then, on motion of Mr. Farish, rose, and the President umed the chair; when

Mr. Johnson reported that the committee of the whole had had under nsideration the report of the select committee on the General Provis- s of the Constitution, and had made some progress therein, but not ing time to go through the whole of the business, had instructed him report progress, and ask leave to sit again.

On motion of Mr. Johnson,

It was ordered that said report be received and agreed to.

And then the House adjourned 'till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment—

And on motion of Mr. Quitman, proceeded to consider, in committe of the whole, the report of the select committee on the General Provision of the Constitution—Mr. Johnson again in the chair.

It was then moved, by Mr. Wright, to amend the 10th section of said report as follows:

Strike out from the word "thereon," to the word "provided," where i first occurs.

And the question being taken thereon,

It was determined in the negative.

YEAS 9—NAYS 36.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Dickson, Higgason, Hurst, Kennedy, Pendleton, Runnel Trotter, Williamson, Wright—9.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Bacot, Black, Cain, Duncan, Fa coner, Farish, Floyd, Freeland, Gale, Granberry, Grayson, Greenlea Hicks, Howard, Jefferson, Johnson, Jones of Jones, Keegan, Knox, Low Lynch, Magee, McMillan, Morris, McNabb, McRae, Pope, Quitma Redd, Rose, Scott, Seamon, Stewart, Williams—36.

Mr. Wright moved the following as an amendment to said section:

Strike out the whole of said section.

And the question being taken thereon,

It was decided in the negative.

YEAS 10—NAYS 34.

The yeas and nays being desired by two of the members present:

Those who voted in the affirmative are—

Messrs. Hicks, Higgason, Hurst, Kennedy, Runnels, Scott, Stewa Trotter, Williamson, Wright—10.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Black, Cain, Duncan, F coner, Farish, Floyd, Freeland, Gale, Granberry, Grayson, Greenle Howard, Jefferson, Johnson, Jones of Jones, Keegan, Knox, Lowe, Lync McLaughlin, McMillan, Morris, McNabb, McRae, Pendleton, Po Quitmain, Redd, Rose, Seamon, Williams—34.

The 11th section being read, and no amendment proposed, the 12 was read; when

It was moved, by Mr. Grayson, to amend the same as follows:

Strike out the whole of said section.

And the question being taken thereon,

It was determined in the negative.

Mr. Keegan moved to amend said section as follows:

Insert after the word "citizenship," the words "or residence."

And the question being put,

It passed in the affirmative.

The 13th, 14th, 15th and 16th sections being read, and no amendments roposed, the 17th was read; when,

It was moved by Mr. Floyd that the same be amended as follows:

Strike out the word "shall," and insert the word "may."

And the question being taken thereon,

It was decided in the negative.

The 18th section being read, and no amendment proposed, the 19th was ead, and the following amendment thereto proposed by Mr. Quitman:

Strike out all after the word "State," in the 6th line.

And the question being put,

It passed in the affirmative.

Mr. Black moved to amend said section as follows:

Strike out the whole of said section.

And the question being taken thereon,

It was decided in the affirmative.

The 20th section was read, and the following amendment proposed hereto by Mr. Stewart:

Strike out the whole of said section.

A debate arose—

When the previous question was called for by Mr. Duncan, and being emanded by one-third of the members present,

The said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the said amendment be adopted?

And determined in the negative.

YEAS 11—NAYS 32.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Freeland, Grayson, Kennedy, Lowe, Lynch, McNabb, McRae, ope, Rose, Seamon, Williams—11.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Black, Cain, Duncan, Fal-oner, Farish, Floyd, Gale, Granberry, Greenleaf, Hicks, Higgason, oward, Hurst, Jefferson, Johnson, Jones of Jones, Keegan, Knox, Mc-aughlin, McMillan, Morris, Pendleton, Quitman, Redd, Runnels, Scott, rotter, Williamson, Wright—32.

Mr. Greenleaf moved to amend said section by adding at the end there-f the following words, to wit:

"Provided that until the year 1855, the rights of citizenship shall not be xtended to any Indian, unless he shall have learned to read and write, d obtained a certificate of such qualification from the Clerk of some ourt of Record in this State."

Mr. Pendleton moved to amend said amendment by adding thereto th following words, to wit:

"Until he can count fifty."

And the question thereon being taken,

It passed in the affirmative.

The question was then taken on Mr. Greenleaf's amendment as amende

And determined in the negative.

Mr. Keegan moved to amend said section as follows:

Strike out after the word "Indians," and insert the words, to wit: "as them may be considered expedient, under such rules and regulations they may prescribe."

And the question being taken thereon,

It was determined in the negative.

Mr. Williamson moved to amend the 17th of said sections as follows

Strike out the words "shall be made to the Secretary of State," and i sert the words, to wit:

"Not otherwise provided for by this Constitution, shall be regulated b law."

And the question being taken thereon,

It was determined in the negative.

Mr. Floyd moved to amend said section as follows:

Strike out the whole of said section.

And the question being taken thereon,

It was decided in the negative.

Mr. Scott moved to amend the 16th of said sections, by adding at th end thereof the words following, to wit:

"And all decrees for such divorce heretofore made, and not sanctione by the Legislature, shall be final without such sanction."

And the question being taken thereon,

It was determined in the negative.

Mr. Lowe moved a re-consideration of the vote taken on yesterday, o the amendment to the 9th of said sections offered by Mr. Trotter.

And the question being taken thereon,

It was determined in the negative.

Mr. Runnels moved to amend the 9th of said sections as follows:

Strike out the whole of said section.

And the question being taken thereon,

It was decided in the negative.

Yeas 16—Nays 26.

The yeas and nays being desired by two of the members present:

Those who voted in the affirmative are—

Messrs. Austin, Dickson, Hicks, Higgason, Howard, Keegan, Kenned Lowe, Lynch, McLaughlin, Pendleton, Runnels, Scott, Trotter, Williamso Wright—16.

Those who voted in the negative are—

Messrs. Pray, (President,) Bacot, Black, Cain, Duncan, Falconer, Faris Floyd, Freeland, Gale, Grayson, Greenleaf, Hurst, Jefferson, Johnson, Jones

Jones, McMillan, Morris, McNabb, McRae, Pope, Quitman, Redd, Rose, Seamon, Williams—26.

The first section under the head of "slaves" being read—

Mr. Duncan moved that the same be amended as follows:

Strike out all after the word "emancipated," and insert the words, to wit:

"But they shall have power to pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a public charge.

Sec. 2. From and after the first day of May, 1833, no slaves shall be brought into this State for sale or hire; but the Legislature shall not prohibit, until after the year 1845, *bona fide* resident citizens from bringing into this State, for the purpose of agriculture, mechanic labor or family service, slaves obtained by purchase or otherwise; nor shall emigrants be prohibited from bringing with them their slaves, for similar purposes: but the Legislature may interdict the sale or hire of such slaves, until after they shall have been in this State a limited period of time, and may also prohibit the introduction of slaves of bad character."

A debate arose—

When the previous question was called for by Mr. Keegan, and being demanded by one third of the members present,

The said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the said amendment be adopted?

And determined in the negative.

YEAS 21—NAYS 23.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Bacot, Black. Cain, Dickson, Duncan, Falconer, Farish, Freeland, Gale, Grayson, Greenleaf, Hurst, Jefferson Johnson, Jones of Jones, Knox, McLaughlin, McMillan, Morris, Quitman, Williams—21.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Floyd, Granberry, Hicks, Higgason, Howard, Keegan, Kennedy, Lowe, Lynch, McNabb, McRae, Pendleton, Pope, Redd, Rose, Runnels, Scott, Seamon, Trotter, Williamson, Wright—23.

The second section, and the mode of revising the Constitution together with the 1st, 2d, 3d and 4th sections of the schedule were read, and no amendments being proposed;

The 5th section of the schedule was read, and the following amendment proposed thereto by Mr. Scott:

Strike out the whole of said section and insert the words, to wit:

"The members of the Legislature elected in August last shall continue in office until the next general election, and shall convene at the seat of Government on the first Monday of January, 1833."

A division of the question being demanded by Mr. Howard, It was taken on striking out,

And determined in the negative.

YEAS 7—NAYS 34.

The yeas and nays being demanded by two of the members present;

Those who voted in the affirmative are—

Messrs. Greenleaf, Higgason, Johnson, McNabb, Scott, Seamon, Wright—7.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Black, Cain, Duncan, Falconer, Farish, Floyd, Freeland, Gale, Granberry, Grayson, Hicks, Howard, Hurst, Jefferson, Jones of Jones, Keegan, Kennedy, Lowe, Lynch, McLaughlin, McMillan, Morris, McRae, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Trotter, Williams—34.

The 6th section being read, and no amendment proposed;

The committee then, on motion of Mr. Hurst, rose, and the President resumed the chair; when

Mr. Johnson reported that the committee of the whole had had the report of the select committee on the General Provisions of the Constitution under consideration, had made sundry amendments thereto, and had instructed him to report the same as amended.

On motion of Mr. Johnson,

It was ordered that said report be received and agreed to.

It was then moved, by Mr. Johnson, that said report lie on the table.

And the question being taken thereon,

It was determined in the negative.

Whereupon,

On motion of Mr. Quitman,

It was ordered that said report be referred to the select committee appointed to arrange and place in form the several departments of the Constitution:

Mr. Wright submitted the following resolution:

Resolved, That it is expedient that there shall be annual sessions of the Legislature until the year 1836.

Mr. Runnels moved that said resolution lie on the table.

And the question being taken thereon,

It was determined in the negative.

It was then moved, by Mr. Grayson, that said resolution be indefinitely postponed.

And the question being taken thereon,

It passed in the affirmative.

YEAS 27—NAYS 12.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Austin, Bacot, Black, Cain, Duncan, Farish, Freeland, Gale, Grayson, Hicks, Hurst, Jefferson, Johnson, Jones of

Jones, Keegan, Kennedy, Lowe, Lynch, McLaughlin, McMillan, Pendleton, Pope, Rose, Scott, Williams, Williamson—27.

Those who voted in the negative are—

Messrs. Falconer, Floyd, Granberry, Greenleaf, Higgason, Howard, Morris, Quitman, Runnels, Seamon, Trotter, Wright—12.

Then the House adjourned.

Wednesday, October 24, 1832.

The Convention met pursuant to adjournment—

And, on motion of Mr. Quitman, took a recess until 11 o'clock, A. M.

ELEVEN O'CLOCK, A. M.

The House adjourned 'till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment—

When Mr. Quitman, from the committee to whom was referred the arrangement of the several portions of the revised Constitution in proper form, reported the several articles and portions of the same, consolidated and arranged under the following title and general heads, to wit:

THE CONSTITUTION OF THE STATE OF MISSISSIPPI,
As revised in Convention, October, A. D. 1832.

ARTICLE I.—*Declaration of Rights.*
ARTICLE II.—*Distribution of Powers.*
ARTICLE III.—*Legislative Department.*
ARTICLE IV.—*Judicial Department.*
ARTICLE V.—*Executive Department.*
ARTICLE VI.—*Impeachment.*
ARTICLE VII.—*General Provisions.*

On motion of Mr. Quitman,

It was ordered that said report be received.

Whereupon,

The Constitution of the State of Mississippi, as revised—

Was read the first time.

On motion of Mr. Farish,

The rule was dispensed with, and said Constitution was read the second time.

Whereupon, on further motion of Mr. Farish, The Convention resolved itself into a committee of the whole on said Constitution, Mr. Grayson in the chair.

Article I.—Declaration of Rights—being read, and no amendments proposed,

Article II.—Distribution of Powers—was read; and no amendments being proposed thereto,

Article III.—Legislative Department—was read;

When it was moved by Mr. Wright that the 9th section thereof be amended as follows: strike out the proviso—

And the question being taken thereon,

It was determined in the negative.

Yeas 18—Nays 24.

The yeas and nays being desired by two of the members present:

Those who voted in the affirmative are—

Messrs Cain, Dickson, Floyd, Freeland, Grayson, Greenleaf, Hicks, Higgason, Jefferson, Kennedy, Magee, Quitman, Rose, Scott, Stewart, Trotter, Williamson, Wright—18.

Those who voted in the negative are—

Messrs Pray, (President,) Austin, Bacot, Black, Duncan, Falconer, Farish, Granberry, Hurst, Johnson, Jones of Jones, Keegan, Knox, Lowe, Lynch, McLaughlin, McMillan, Morris, McRae, Pendleton, Pope, Runnels, Seamon, Williams—24

Mr. Greenleaf moved to amend the 10th section of said article as follows:

Insert after the word "white," in the 5th line, the word "taxable"—

And the question being taken thereon,

It was decided in the negative.

YEAS 13—NAYS 31.

The yeas and nays being called for by two of the members present:

Those who voted in the affirmative are—

Messrs. Duncan, Freeland, Grayson, Greenleaf, Jefferson, Knox, Magee, McMillan, Quitman, Redd, Trotter, Williams, Wright—13..

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Black, Cain, Dickson, Falconer, Farish, Floyd, Granberry, Hicks, Higgason, Howard, Hurst, Johnson, Jones of Jones, Keegan, Kennedy Lowe, Lynch, McLaughlin, Morris, McRae, Pendleton, Pope, Rose, Runnels, Scott, Seamon, Stewart, Williamson—31.

Mr. Keegan moved that the 27th section of said article be amended as follows:

Insert after the word "peace," in the last line, the words "or Justices of the County Police"—

And the question being taken thereon,

It was determined in the negative.

Article IV.—Judicial Department—being read;

Mr. Howard moved that the second section thereof be amended as follows:

Strike out all after the word "judges," and insert the words, to wit: "who shall be elected by a majority of both branches of the Legislature."

A motion was then made by Mr. Quitman that there be a call of the House;

And the question being put,

It passed in the affirmative.

The roll of the members was then called by the Secretary—

When it was found that the following named members answered to their names:

Messrs. Austin, Bacot, Black, Cain, Dickson, Duncan, Falconer, Farish, Floyd, Freeland, Granberry, Grayson, Greenleaf, Hicks, Higgason, Howard, Hurst, Jefferson, Johnson, Keegan, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, Morris, McRae, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Scott, Seamon, Stewart, Trotter, Williams, Wright.

Further action on said call having been dispensed with—

The question recurred on the amendment proposed by Mr. Howard,

And a division thereof being demanded,

It was taken on striking out all after the word "Judges"

And determined in the negative.

YEAS, 19—NAYS, 25.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Black, Duncan, Falconer, Freeland, Granberry, Grayson, Howard, Jefferson, Kennedy, McLaughlin, Morris, McRae, Pendleton, Quitman, Scott, Seamon, Trotter, Williams, Wright—19.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Cain, Dickson, Farish, Floyd, Greenleaf, Hicks, Higgason, Hurst, Johnson, Jones of Jones, Keegan, Knox, Lowe, Lynch, Magee, McMillan, Pope, Redd, Rose, Runnels, Stewart, Williamson—25.

Mr. Freeland moved to amend said section as follows:

Strike out the words "the qualified electors of the district" and insert in lieu thereof the words, to wit:

"The Governor shall nominate two persons for each district, and the Senate shall elect one of the number thus nominated."

A division of the question being demanded,

It was taken on striking out,

And determined in the negative.

YEAS 18—NAYS 26.

The yeas and nays being demanded by two of the members present;

Those who voted in the affirmative are—

Messrs. Black, Duncan, Falconer, Freeland, Grayson, Howard, Jefferson, Kennedy, McLaughlin, Morris, McRae, Quitman, Scott, Seamon, Stewart, Trotter, Williams, Wright—18.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Cain, Dickson, Farish, Floyd, Granberry, Greenleaf, Hicks, Higgason, Hurst, Johnson, Jones of Jones, Keegan, Knox, Lowe, Lynch, Magee, McMillan, Pendleton, Pope, Redd, Rose, Runnels, Williamson—26.

Mr. Scott moved to amend said section as follows:

Strike out from the word "quorum" and insert the words, to wit: "who shall be elected by the qualified electors of the whole State for the term of six years."

A division of the question being demanded,

It was taken on striking out—

And determined in the negative.

YEAS 12—NAYS 32.

The yeas and nays being called for by two of the members present:

Those who voted in the affirmative are—

Messrs. Austin, Cain, Dickson, Hicks, Higgason, Howard, Keegan, Kennedy, Quitman, Scott, Stewart, Williams—12.

Those who voted in the negative are—

Messrs. Pray, (President,) Bacot, Black, Duncan, Falconer, Farish, Floyd, Freeland, Granberry, Grayson, Greenleaf, Hurst, Jefferson, Johnson, Jones of Jones, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, Morris, McRae, Pendleton, Pope, Redd, Rose, Runnels, Seamon, Trotter, Williamson, Wright—32.

Mr. Greenleaf moved to amend the 5th section of said article as follows:

Strike out the whole of said section.

It was then moved, by Mr. Hurst, that there be a call of the House.

And the question being put,

It was determined in the negative.

The question was then taken on the amendment proposed by Mr. Greenleaf;

And determined in the negative.

Mr. Greenleaf moved to amend the 10th section of said article as follows:

Insert after the word "law" the words, to wit: "which shall never be less than fifteen hundred dollars and".

And the question being taken thereon,

It was determined in the negative.

YEAS, 4—NAYS, 38.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Greenleaf, Higgason, Knox, Williams—4.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Black, Duncan, Falconer, Farish, Floyd, Freeland, Granberry, Grayson, Hicks, Howard, Hurst, Jefferson, Johnson, Jones of Jones, Keegan, Kennedy, Lowe, Lynch, Magee, McLaughlin, McMillan, Morris, McRae, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Scott, Seamon, Stewart, Trotter, Williamson, Wright—38.

Mr. Magee moved that the 16th section of said article be amended as follows:

Strike out the words "or the foreclosure of mortgages."

And the question being taken thereon,

It was decided in the negative.

Mr. Greenleaf moved to amend the 20th section of said article as follows:

Insert after the word "years" in the second line the words, to wit: "who shall elect from among themselves a President and"

And the question being taken thereon,

It was determined in the negative.

Mr. Stewart moved to amend the 24th section of said article as follows:

Strike out the whole of said section.

And the question being taken thereon,

It was decided in the negative.

Mr. Keegan moved to amend said section as follows:

Strike out the words "to do so."

And the question being put,

It passed in the affirmative.

Article V.—Executive Department—being read;

It was moved, by Mr. Stewart, that the committee rise, report progress, and ask leave to sit again.

And the question being taken thereon,

It was determined in the negative.

A motion was then made, by Mr. Greenleaf, to amend the 2d section of said article under the head of Militia, as follows:

Add to the beginning of said section the word "commissioned."

And the question being put,

It passed in the affirmative.

It was then moved, by Mr. Black, that the committee rise, report progress, and ask leave to sit again.

And the question being taken thereon,

It was decided in the negative.

Mr. Black then moved that there be a call of the House.

And the question being put,

It passed in the affirmative.

Whereupon,

The roll of the members was called by the Secretary—

When it was found that the following named members answered to their names:

Messrs. Bacot, Black, Cain, Duncan, Falconer, Farish, Floyd, Freeland, Granberry, Grayson, Greenleaf, Hicks, Higgason, Howard, Hurst, Jefferson, Johnson, Jones of Jones, Keegan, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, McRae, Pendleton, Pope, Quitman, Rose, Runnels, Scott, Seamon, Stewart, Trotter, Williams, Williamson, Wright—39.

Further action on said call being dispensed with;

It was moved, by Mr. Williamson, that the committee rise, report progress, and ask leave to sit again.

And the question being taken thereon,

It was determined in the negative.

Article VI.—Impeachments—was then read, and no amendments being proposed.

Article VII.—General Provisions—was considered;

When it was moved, by Mr. Stewart, that the first section thereof be amended as follows:

Strike out all after the word "God."

And the question being put,

It passed in the affirmative.

YEAS 23—NAYS 20.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Dickson, Farish, Floyd, Grayson, Greenleaf, Hicks, Higgason, Jefferson, Knox, Magee, Morris, Pendleton, Pope, Quitman, Redd, Runnels, Scott, Seamon, Stewart, Trotter, Williams, Williamson, Wright—23.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Black, Cain, Duncan, Falconer, Freeland, Granberry, Hurst, Johnson, Jones of Jones, Keegan, Kennedy, Lowe, Lynch, McLaughlin, McMillan, McRae, Rose—20.

Mr. Black moved to amend the second section of said article by inserting therein the words following, to wit:

"The Legislature shall pass such laws to prevent the evil practice of duelling, as they may deem necessary."

It was then moved, by Mr. Freeland, that the committee rise, report progress and ask leave to sit again.

And the question being taken thereon,

It was determined in the negative.

The question then recurred on the amendment proposed by Mr. Black,

And after debate thereon;

It was moved, by Mr. Howard, that the committee rise, report progress and ask leave to sit again.

And the question being taken thereon,

It was decided in the negative.

The question was then taken on Mr. Black's amendment,

And determined in the affirmative.

Whereupon,

It was moved, by Mr. Farish, that the committee rise, report progress and ask leave to sit again.

And the question being taken thereon,

It was decided in the negative.

A motion was then made by Mr. Wright to amend the 8th section of said article as follows:

Strike out the words "two thirds," and insert in lieu thereof the words "a majority."

Mr. Falconer moved that there be a call of the House.

Mr. Morris moved that the committee rise, report progress, and ask leave to sit again—

And the question being taken thereon,

It was decided in the affirmative.

The committee then rose, and the President resumed the chair, when Mr. Grayson reported that the committee of the whole had had the Revised Constitution of the State of Mississippi under consideration, and had made some progress therein, but not having time to go through with the whole of the business had instructed him to report progress, and ask leave to sit again.

On motion of Mr. Grayson,

It was ordered that said report be received and agreed to.

And then the House adjourned.

Thursday, October 25, 1832.

The Convention met pursuant to adjournment—

And on motion of Mr. Hurst, proceeded again to consider, in committee of the whole, the Revised Constitution of the State of Mississippi—Mr. Grayson in the chair.

And the question recurring on the amendment offered by Mr. Wright on yesterday, to the 8th section of the 7th article of said Constitution,

It was moved, by Mr. Farish, that there be a call of the House.

And the question being taken thereon,

It was decided in the affirmative.

The roll of the members was then called by the Secretary, when it was found that the following named members answered to their names:

Messrs. Austin, Bacot, Cain, Duncan, Falconer, Farish, Floyd, Freeland, Granberry, Grayson, Hicks, Higgason, Hurst, Johnson, Jones of Jones, Keegan, Kennedy, Knox, Lowe, Lynch, McRae, Pendleton, Pope, Rose, Runnels, Seamon, Scott, Trotter, Williams—29.

The absent members having been sent for, accordingly appeared and took their seats in the Hall.

A discussion then arose—

When the previous question was called for by Mr. Johnson, and being demanded by one third of the members present,

The said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the amendment offered by Mr. Wright be adopted?

And determined in the negative.

Mr. Farish moved to amend the 9th section of the said 7th Article, by adding, at the end thereof, the words following, to wit:

"Of the State of Mississippi."

And the question being taken thereon,

It passed in the affirmative.

Mr. Quitman moved to amend the 6th section of said Article as follows:

Strike out the words "thirty days after the rising of the Legislature, in which the same was passed," and insert in lieu thereof, the words, to wit:

"Sixty days after the date of the passage thereof."

And the question being taken thereon,

It passed in the affirmative.

Mr. Hurst offered the following as an additional section to said Article, under the head of "Slaves," to be inserted after the first section thereof:

Sec. 2. The introduction of slaves into this State, as merchandize, or for sale, shall be prohibited, after the first day of May, eighteen hundred and thirty-three: *Provided,* That the actual settler or settlers shall not be prohibited from purchasing slaves in any State in this Union, and bringing them into this State for their own use, until the year one thousand eight hundred and forty-five."

And after debate thereon—

The previous question was called for by Mr. Johnson, and being demanded by one third of the members present,

The said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the said amendment be adopted?

And passed in the affirmative.

YEAS 26—NAYS 17.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Bacot, Black, Cain, Duncan, Falconer, Farish, Freeland, Gale, Grayson, Greenleaf, Hurst, Jefferson, Johnson, Jones of Jones, Knox, Magee, McLaughlin, McMillan, Morris, McRae, Quitman, Redd, Seamon Stewart, Williams Wright—26.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Dickson, Floyd, Granberry, Hicks, Keegan, Kennedy, Lowe, Lynch, Pendleton, Pope, Rose, Runnels, Scott, Trotter, Williamson—17.

Mr. Hurst further moved to amend the first section of said Article, under the head of "Slaves" as follows:

Strike out the words, to wit:

"To prevent slaves from being brought into this State as merchandize, and also."

And after debate thereon—

The previous question was called for by Mr. Johnson, and being demanded by one third of the members present:

The said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the said amendment be adopted?

And passed in the affirmative.

Mr. Quitman moved to amend the 5th section of said Article under the head of Schedule as follows, to wit:

Strike out all after the word "immediately," and insert the words "after this Convention shall have adjourned *sine die*, the President of this Convention shall issue his writs, directed to the Sheriffs of the several counties of this State, requiring them to give notice, as prescribed by law in the case of elections, to the qualified electors of the several counties, to assemble at the several places of holding elections in said counties, on the second Monday in January next, and then and there to vote for the ratification or rejection of this revised Constitution by ballot. Those voting for the ratification, shall place upon their bollot the word "aye," and those voting for its rejection, the word "no;" and this election for ratifying or rejecting this revised Constitution shall be conducted, in every respect, in the manner prescribed by the existing election laws of this State. Returns of the same shall be be made to the office of Secretary of State, who shall proceed to count the same in the presence, and with the assistance of the State Treasurer and Auditor of Public Accounts, and shall publish a statement shewing the result of such vote in each county, and certify the same to the Governor. If it shall appear that a majority of the electors of the State voting thereon have voted for the ratification of this Constitution, as above directed, the same shall go into operation, and not otherwise; and the Governor shall forthwith issue his proclamation, and thereby declare the same to be ratified, and shall issue writs of election, directed to the Sheriffs of the several counties, requiring them to cause an election to be held for members of the Legislature, at the several places of holding elections in said counties, on the first Monday and day following in March next; which elections shall be conducted in the manner now prescribed by the election laws of this State; and the members of the Legislature thus elected, shall convene at the Seat of Government on the first Monday of April next: but if it shall appear that there is not such majority of votes for the ratification of this revised Constitution, then the Governor, by his proclamation, shall declare the same to have been rejected by the people.

Sec. —. In case this revised Constitution should be rejected by the people, as aforesaid, the first General Assembly which shall convene after the rejection of the same, shall insert the following amendments in the existing Constitution of the State, which shall thereupon be and remain a part of the Constitution until changed in the manner prescribed, to wit:

Whenever two-thirds of each branch of the General Assembly shall deem any alteration or amendment necessary to the Constitution, such proposed alteration or amendment shall be read and passed by a majority of two-thirds of each House, respectively, on each day, for three several days.—

Public notice thereof shall then be given, at least six months preceding the next general election, at which election the qualified electors shall vote directly for or against such alteration or amendment; and if it shall appear that a majority of the qualified electors voting at such election shall have voted for the proposed alteration or amendment, then it shall be inserted by the next succeeding Legislature as a part of the Constitution, and not otherwise."

The previous question was then called for by Mr. Morris, but was not sustained by the demand of one third of the members present.

Whereupon, a motion was made by Mr. Quitman that there be a call of the House.

And the question being taken thereon,

It passed in the affirmative.

The roll of the members was then called by the Secretary, when it appeared that the following named members answered to their names:

Messrs. Austin, Bacot, Black, Cain, Dickson, Duncan, Falconer, Farish, Floyd, Freeland, Gale, Granberry, Grayson, Greenleaf, Hicks, Higgason, Hurst, Jefferson, Johnson, Jones of Jones, Keegan, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, Morris, McRae, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Scott, Seamon, Stewart, Trotter, Williams, Williamson, Wright—43.

On motion of Mr. Farish,

The absent members were sent for.

Whereupon it was ordered, on motion of Mr. Morris, that the question on the said amendment be taken, and that the absent members when they appear, be allowed to vote thereon.

The Convention then proceeded to take the question on the said amendment; when

A division thereof was demanded by Mr. Stewart, and the question was taken on the first member of said amendment,

And determined in the negative.

YEAS 19—NAYS 26.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Black, Dickson, Duncan, Falconer, Freeland, Gale, Grayson, Greenleaf, Jefferson, Kennedy, Knox, Morris, McRae, Pendleton, Quitman, Scott, Seamon, Williams, Williamson—19.

Those who voted in the negative are—

Messrs. Pray, (president) Austin, Bacot, Cain, Farish, Floyd, Granberry, Hicks, Higgason, Hurst, Johnson, Jones of Jones, Keegan, Lowe, Lynch, Magee, McLaughlin, McMillan, McNabb, Pope, Redd, Rose, Runnels, Stewart, Trotter, Wright—26.

Mr. Pray, (President,) moved to amend the second section of said article as follows:

Insert after the word "necessary" the words, to wit;

"And may require all officers, before they enter on the duties of their office, to take the following oath or affirmation: "I do solemnly swear or affirm, (as the case may be,) that I have not been engaged in a duel, by sending or accepting a challenge to fight a duel, or by fighting a duel, since the first day of January, in the year of our Lord 1833, nor will I be so engaged during my continuance in office.—So help me God."

And the question being taken thereon,

It passed in the affirmative.

YEAS, 26—NAYS, 17.

The yeas and nays being demanded by two of the members present;

Those who voted in the affirmative are—

Messrs. Pray, (President,) Austin, Bacot, Black, Cain, Duncan, Falconer, Farish, Freeland, Gale, Granberry, Grayson, Hurst, Johnson, Jones of Jones, Keegan, Kennedy, Lowe, Lynch, McLaughlin, McMillan, McNabb, Rose, Scott, Stewart, Williams—26.

Those who voted in the negative are—

Messrs. Dickson, Floyd, Greenleaf, Hicks, Higgason, Jefferson, Knox, Magee, Morris, Pope, Quitman, Redd, Runnels, Seamon, Trotter, Williamson, Wright—17.

Mr. Morris moved to amend the 2nd section of said articles as follows:

Strike out the whole of said section.

A debate arose—

When the previous question was called for by Mr. Johnson, and being demanded by one third of the members present,

The said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the amendment offered by Mr. Morris be adopted?

And determined in the negative.

A motion was then made by Mr. Williamson, that the 19th section of the Declaration of Rights be stricken out.

And the question being taken thereon,

It was decided in the negative.

It was then moved, by Mr. Magee, to amend the 1st section of the 7th article, General Provisions, under the head of Schedule, by adding at the end of said section the following words, to wit:

"And they shall, at their first session, order an election to be held in every county of this State, on the first Monday in May, and the day following, 1833, for all State and County officers under this Constitution, (members of the Legislature excepted,) and the officers then elected shall continue in office 'till the succeeding general election, and thence in the same manner as if the election had taken place at the time last aforesaid."

Mr. Quitman moved to amend said amendment as follows:

Strike out the word "May," and insert in lieu thereof the word "March."

And the question being taken thereon,

It was determined in the negative.

The question was then taken on the amendment proposed by Mr. Magee,

And passed in the affirmative.

The committee then, on motion of Mr. Hurst, rose, and the President resumed the chair; when

Mr. Grayson reported that the committte of the whole had had under consideration the revised Constitution of the State of Mississippi, had made sundry amendments thereto, and had instructed him to report the same as amended.

On motion of Mr. Grayson,

Ordered that said report be received.

Whereupon, on motion of Mr. Hurst, it was ordered that the same be agreed to.

A motion was then made by Mr. Stewart that the following be added as a new section to the Schedule, under the head of Article 7th, General Provisions,

Sec. —. All lands owned by individuals or bodies corporate within this State, (lands acquired for the purpose of promoting religion or education excepted,) whether acquired before or after the adoption of this Constitution, shall be subject to the payment of taxes."

On motion of Mr. Grayson,

The rule was dispensed with, and said amendment was read the second time-

Whereupon it was ordered, on motion of Mr. Runnels, that said amendment be indefinitely postponed.

On motion of Mr. Johnson,

The following resolution was adopted:

Resolved, That the Constitution, as amended, be engrossed under the inspection of a committee of four members, and be made the order of the day for its third reading on this day, and thereupon put upon its passage.

And pursuant thereto—

Messrs. Johnson, Quitman, Magee and Black were appointed.

And then the House adjourned 'till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Convention met pursuant to adjournment—

When the following resolution was submitted by Mr. Greenleaf:

Resolved, That the sum of dollars per day be allowed to Henry Vose, Esq. Reporter to this Convention, from the 10th day of September 1832 to the final adjournment of the same; and the further sum of dollars, on his depositing in the office of the Secretary of State a copy of the debates of said Convention.

Mr. Grayson moved to fill the first blank in said resolution with the word "four."

Mr. Knox with that of "six."

Which last motion prevailed.

It was then moved, by Mr. Greenleaf, to fill the second blank in said resolution with the words "one hundred and fifty."

Mr. Stewart those of "two hundred."

And the question being taken on the last proposed number,

It was decided in the affirmative.

The question was then taken on the adoption of said resolution,

And passed in the affirmative.

Mr. Wright submitted the following resolution:

Resolved, That the sum of dollars per day be allowed to Aaron Lindsey, the Reading Clerk to this Convention, from the day of his election.

Mr. Farish moved to fill said blank with the word "six."

And the question being taken thereon,

It passed in the affirmative.

The question was then taken on the adoption of said resolution,

Which also passed in the affirmative.

Mr. Williamson offered the following resolution:

Resolved, That the members of this Convention be allowed dollars, as a *per diem* compensation for their services, and dollars for every twenty miles in going to and from the seat of Government.

Mr. Knox moved to fill said blank with the word "five."

And the question being taken thereon,

It was decided in the negative.

YEAS 16—NAYS 24.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Austin, Bacot, Dickson, Farish, Grayson, Greenleaf, Hicks, Higgason, Jones of Jones, Knox, Morris, Pope, Redd, Rose, Williams, Williamson—16.

Those who voted in the negative are—

Messrs. Pray, (President,) Cain, Duncan, Falconer, Floyd, Freeland, Gale, Granberry, Howard, Hurst, Keegan, Kennedy, Lowe, Lynch, McLaughlin, McMillan, McNabb, McRae, Pendleton, Runnels, Scott, Seamon, Stewart, Wright—24.

Whereupon,

It was ordered, on motion of Mr. Stewart, that said resolution lie on the table.

On motion of Mr. Duncan,

The following resolution was adopted:

Resolved, That in consideration of the able, faithful and zealous manner in which John H. Mallory has discharged the duties of Secretary to the Convention, he be allowed the sum of ten dollars per day for his services.

Mr. Redd submitted the following resolution:

Resolved, That the Assistant Secretary of this Convention, Willis A.

Farris, be allowed the sum of dollars *per diem*, for services rendered to said Convention as such.

Mr. Redd moved that said blank be filled with the word "six."

And the question being taken thereon,

It passed in the affirmative.

The question was then taken on the adoption of said resolution,

Which was also decided in the affirmative.

Mr. Grayson offered the following resolution:

Resolved, That the President of this Convention be allowed the sum of eight dollars per day, for his services in this Convention, and four dollars per day for every twenty miles travelling.

Mr. Hurst moved to strike out the word "eight" and insert in lieu thereof the word "ten."

And the question being put,

It passed in the affirmative.

The question was then taken on the adoption of said resolution,

And passed also in the affirmative.

On motion of Mr. Morris,

The Convention proceeded to consider the resolution in relation to the *per diem* pay of the members of the Convention.

Whereupon,

It was moved, by Mr. Grayson, that the first blank in said resolution be filled with the word "six."

And the question being taken thereon,

It was determined in the negative.

YEAS 19—NAYS 26.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Bacot, Dickson, Farish, Grayson, Greenleaf, Higgason, Jones of Jones, Knox, Magee, Morris, McRae, Pope, Redd, Rose, Seamon, Trotter, Williams, Williamson—19.

Those who voted in the negative are—

Messrs. Austin, Black, Cain, Duncan, Falconer, Floyd, Freeland, Gale, Granberry, Hicks, Howard, Hurst, Johnson, Keegan, Kennedy, Lowe, Lynch, McLaughlin, McMillan, McNabb, Pendleton, Quitman, Runnels, Scott, Stewart, Wright—26.

It was then moved, by Mr. Grayson, that the said first blank be filled with the word "five."

And the question being taken thereon,

It passed in the affirmative.

Yeas 27—Nays 18.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Austin, Bacot, Black, Dickson, Falconer, Farish, Freeland, Grayson, Greenleaf, Hicks, Higgason, Hurst, Jones of

Jones, Knox, Magee, McLaughlin, Morris, McRae, Pope, Redd, Rose, Seamon, Trotter, Williams, Williamson, Wright—27.

Those who voted in the negative are—

Messrs. Cain, Duncan, Floyd, Gale, Granberry, Howard, Johnson, Keegan, Kennedy, Lowe, Lynch, McMillan, McNabb, Pendleton, Quitman, Runnels, Scott, Stewart—18.

It was then moved, by Mr. Williamson, that the second blank be filled with the word "four."

When a motion was made by Mr. Hurst, that it be filled with the word "five."

And the question being taken thereon,

It was decided in the affirmative.

The question was then taken on the adoption of said resolution,

And passed in the affirmative.

Mr. Bacot offered the following resolution:

Resolved, That Lewis Whitesides be allowed the sum of dollars per day, for his services as door-keeper.

Mr. Bacot moved to fill said blank with the word "five."

Mr. Keegan with the word "four."

And the question being put on the last proposed number,

It was decided in the affirmative.

The question was then taken on the adoption of said resolution,

And passed in the affirmative.

On motion of Mr. Grayson,

The following resolution was adopted:

Resolved, That the President of this Convention shall sign warrants for such sums of money as may be allowed to the members of this Convention and the officers thereof.

Mr. Grayson moved a reconsideration of the vote taken on the resolution in relation to the *per diem* pay of the President of this Convention.

And the question being taken thereon,

It was decided in the affirmative.

Mr. Grayson moved that the word "four" in said resolution be stricken out, and the word "five" be inserted in lieu thereof.

And the question being taken thereon,

It was decided in the affirmative.

The question was then taken on the re-adoption of said resolution,

And passed in the affirmative.

Mr. Howard offered the following resolution:

Resolved, That Joseph G. Anderson, Sergeant-at-Arms, be allowed for his services the sum of six dollars per day.

Mr. Hurst moved that the word "six" be stricken out from said resolution, and the word "five" inserted in lieu thereof.

And the question being taken thereon,

It was decided in the affirmative.

The question was then taken on the adoption of said resolution,

And passed in the affirmative.

Then the House adjourned 'till half past six o'clock, P. M.

HALF-PAST SIX O'CLOCK, P. M.

The Convention met pursuant to adjournment—

When the Hon. William Haile, a member from the county of Wilkinson appeared, produced his credentials, and took his seat in the hall.

Mr. Grayson moved a reconsideration of the vote taken on the resolution authorizing the President of this Convention to sign warrants for the pay of its members and officers.

And the question being taken thereon,

It was decided in the affirmative.

Whereupon,

Mr. Grayson moved that the same be amended as follows:

Strike out all from the word "resolved" and insert the words, to wit:

"That the President of this Convention shall certify to the correctness of the accounts of the members of this Convention and the officers thereof, and thereupon the Auditor shall issue his warrant or warrants to the Treasurer for the payment of the same."

And the question being taken thereon,

It was decided in the affirmative.

The question was then taken on the re-adoption of said resolution as amended,

And passed in the affirmative.

On motion of Mr. Morris,

Ordered that the credentials of the Hon. William Haile be referred to the committee on elections.

Mr. Grayson offered the following resolution:

Resolved, That the Secretary of this Convention be allowed the sum of one hundred and fifty dollars for an *extra* copy of the Journals of the Convention, and the sum of dollars, for the services to be rendered by him in relation to the business of the Convention, after the final adjournment thereof.

On motion of Mr. Hurst,

It was ordered that said resolution lie on the table.

The President laid before the Convention the following communication from Peter Isler, in relation to the printing the Journals of the Convention; also, an account for job printing.

To the Committee on Accounts:

My memorandum, heretofore presented to the Convention, proposed that the Journal should be printed—for the first form of sixteen pages, for one thousand copies, the price should be $40; but should there only be one thousand copies required, the price should be augmented to $48 for each form of sixteen pages: but should there be four thousand copies wanted, that, in that case, for the first thousand $40, and for the other three thousand copies $24 each, for the said form of sixteen pages. But as there was a less number than four thousand ordered, the price should be for each form of two thousand five hundred copies, $79 50.

P. ISLER.

The State of Mississippi, in Convention,

To P. Isler, *Dr.*

Sept. 1832.

To printing 500 copies of the Report of the Committee on the Executive Department,	$40 00
To 500 copies of the Report of the Committee on the Bill of Rights,	40 00
To 500 copies of the Report of the Committee on the Legislative Department,	40 00
To 500 copies of the Report of the Committee on the Judicial Department,	40 00
To 500 copies of Mr. Williams' Resolutions,	30 00
To 500 copies of the Counter Report of Messrs. Quitman and Falconer, on the Judicial Department,	40 00
To 500 copies of Mr. Trotter's Report on General Provisions,	40 00
To 500 copies of Mr. Greenleaf's Counter Report on Judicial Department,	40 00
To 100 copies of the Secretary of State's communication transmitting an abstract census for 1830,	15 00
To 100 copies of a tabular statement of the votes given for Governor, in the year 1831, &c., also furnished by the Secretary of State,	15 00
To 200 copies of the Rules and Standing Orders for conducting business in the Convention,	30 00
	$390.00

On motion of Mr. Pendleton,

Ordered that said account and communication be referred to the Committee on Accounts.

Mr. Morris made the following report:

MR. PRESIDENT:

The Committee on Elections have instructed me to report, that they have examined the credentials of the Hon. William Haile, a delegate from the county of Wilkinson, and find that the said William Haile is duly elected a delegate from said county, to fill the vacancy occasioned by the resignation of the Hon. G. C. Brandon, late a member of this Convention.

J. J. H. MORRIS, *Chairman.*

On motion of Mr. Wright,

Ordered that said report be received and agreed to.

On motion of Mr. Hurst,

Ordered that Mr. Gale be added to the Committee of Accounts.

On motion of Mr. Dickson,

It was ordered that Mr. Lynch be excused from further service on the Committee of Accounts.

And then, on motion, the House adjourned 'till 7 o'clock, A. M. to-morrow.

Friday, October 26, 1832.

The Convention met pursuant to adjournment—

When Mr. Johnson made the following report:

MR. PRESIDENT:

The committee appointed to superintend the engrossment of the Constitution, have instructed me to report that they have performed that service, and to report the same as truly engrossed.

It was then moved, by Mr. Johnson, that there be a call of the House,

And the question being taken thereon,

It was decided in the affirmative.

The roll of the members was then called by the Secretary—

When it was found that the following named members answered to their names:

Messrs. Austin, Black, Cain, Dickson, Duncan, Falconer, Farish, Floyd, Freeland, Gale, Granberry, Grayson, Haile, Hicks, Howard, Hurst, Jefferson, Johnson, Jones of Jones, Keegan, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, Morris, Pendleton, Pope, Quitman, Redd, Rose, Runnels, Scott, Seamon, Williams—37.

On motion of Mr. Redd,

It was ordered that the absentees be sent for.

Whereupon,

It was ordered, on motion of Mr. Wright, that Mr. Trotter be excused from farther attendance on the Convention during the remainder of its session.

The Constitution of the State of Mississippi, as revised in Convention, was then read the third time.

Whereupon,

It was moved, by Mr. Farish that there be a call of the House;

And the question being taken thereon,

It was decided in the affirmative.

The roll of the members was then called by the Secretary, when it appeared that the following named members answered to their names:

Messrs. Austin, Bacot, Black, Cain, Dickson, Duncan, Falconer, Farish, Floyd, Freeland, Gale, Granberry, Grayson, Greenleaf, Haile, Hicks, Howard, Hurst, Jefferson, Johnson, Jones, of Jones, Keegan, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, Morris, McNabb, McRae, Pope, Quitman, Rose, Runnels, Scott, Seamon, Stewart, Williams, Williamson, Wright—42.

On motion of Mr. Runnels,

It was ordered that the absent members be sent for.

Whereupon,

The Sergeant at Arms was directed by the President to notify the said absent members that the Convention desired their attendance—

And in pursuance thereto they appeared in the Hall of the House;

When the Revised Constitution of the State of Mississippi, was put upon its passage, and passed.

YEAS, 36—NAYS, 10.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Pray, (President,) Austin, Bacot, Cain, Dickson, Duncan, Farish, Floyd, Gale, Granberry, Haile, Hicks, Higgason, Howard, Hurst, Jefferson, Johnson, Jones of Jones, Keegan, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, McMillan, McNabb, Pendleton, Pope, Redd, Rose, Runnels, Scott, Stewart, Williamson, Wright—36.

Those who voted in the negative are—

Messrs. Black, Falconer, Freeland, Grayson, Greenleaf, Morris, McRae, Quitman, Seamon, Williams—10.

On motion of Mr. Farish,

It was ordered that the blank in the title of said Constitution be filled with the words "twenty-sixth."

The question was then taken on the title of said Constitution—

And passed in the affirmative.

Mr. Hurst offered the following resolution:

Resolved, That the Revised Constitution be enrolled under the superintendance of the President of the Convention; and that the same be signed by the President, countersigned by the Secretary, and deposited in the archives of State.

Mr. Wright moved to amend said resolution as follows:

Strike out after the word "by," and insert the words, to wit: "such members of the Convention as may think proper"—

And after debate thereon—

The previous question was called for by Mr. Grayson,

And being demanded by one third of the members present,

The said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz:

Shall the amendment offered by Mr. Wright be adopted?

And determined in the negative.

YEAS 13—NAYS 31.

The yeas and nays being demanded by two of the members present:

Those who voted in the affirmative are—

Messrs. Black, Falconer, Grayson, Greenleaf, Haile, Higgason, McMillan, Morris, McNabb, McRae, Pendleton, Williams, Wright—13.

Those who voted in the negative are—

Messrs. Pray, (President,) Austin, Bacot, Cain, Dickson, Duncan, Farish. Floyd. Freeland, Gale, Granberry, Hicks, Howard, Hurst, Jefferson, Johnson, Jones of Jones, Keegan, Kennedy, Knox, Lowe, Lynch, Magee, McLaughlin, Pope, Redd, Rose, Runnels, Scott, Seamon, Stewart—31.

Mr. Wright moved to amend said resolution as follows, to wit:

Insert the letter "s" to the word "Secretary," and after the word "State" the words "and the United States"—

And the question being put,

It was determined in the negative.

Whereupon, Mr. Hurst asked and obtained leave to withdraw said resolution.

It was then moved by Mr. Floyd, that Mr. Freeland, who voted in the affirmative on the passage of the Constitution, have leave to transfer his vote to the negative of said question.

And the question being put,

It passed in the affirmative.

Whereupon, said transfer was made by the Secretary.

Mr. Johnson submitted the following resolution:

Resolved, That the Constitution be enrolled under the superintendance of a committee of — members.

On motion of Mr. Johnson,

Said blank was filled with the word "three."

The question was then taken on the adoption of said resolution,

And passed in the affirmative.

The committee appointed were Messrs. Johnson, Scott and Howard.

Mr. Hurst, from the committee on accounts, made the following report:

Mr. President:

The committee on accounts beg leave to report the following resolutions for the consideration of the Convention:

Resolved, That P. Isler be allowed the sum of three hundred and ninety dollars, being the amount of his account for job printing for the Convention.

Resolved, That L. Whitesides be allowed the sum of seventy-two dollars, being the amount of his account for cleaning house, furnishing water and for three tables for the use of the Convention.

Resolved, That J. H. Mallory be allowed the sum of two hundred and fifty dollars for recording the proceedings of the Convention, with the revised Constitution, in a bound book, and depositing the same in the office of the Secretary of State; and a further sum of two hundred dollars for his services in furnishing a copy of the Journal and Constitution, and superintending the printing of the same: also a further sum of five hundred and seventy nine dollars and forty-two cents, being the amount paid by him to T. B. J. Hadley for stationary, candles, &c., for the use of the Convention; and the sum of ten dollars and twenty-five cents, being the amount paid to Coffee & Branch for stationary, tapes, &c.

Resolved, that the President of the Convention be requested to issue his certificates for the foregoing accounts to the respective persons.

Resolved, That J. H. Mallory be requested to deliver to the Secretary of State, the surplus stationary, candles, furniture, &c., for the use of the Legislature—the same being estimated sufficient for a session of ordinary length.

Resolved, That the Secretary of State be requested to take charge of the Journal and Constitution, when printed, and have the same distributed forthwith, in the manner in which the Journals of the Legislature and the Laws of the State are disposed of.

On motion of Mr. Hurst,

It was ordered that said report be received and agreed to.

Mr. Magee offered the following resolutions:

1. Resolved, That — copies of the Constitution be printed under the direction of the Secretary of this Convention, with the assistance of James Scott, Esq., and N. G. Howard, Esq., members of this Convention; that — copies be bound and deposited in the archives of the State, and the rest of said copies be equally divided amongst the members of this Convention, with the journals, for distribution in their respective counties.

2. Resolved, That a copy of this Constitution be attached to each copy of the journals.

Mr. Magee moved that the first blank in said resolution be filled with the words "eight thousand."

And the question being put,

It was decided in the negative.

It was then moved by Mr. Stewart, that said first blank be filled with the words "five thousand."

And the question being put,

It passed in the affirmative.

A motion was then made by Mr. Stewart, that the second blank in said resolutions be filled with the word "twenty."

And the question being taken thereon,

It was decided in the affirmative.

The question was then taken on the adoption of said resolutions,

And passed in the affirmative.

On motion of Mr. Morris,

It was ordered that Mr. [illegible]eamon be excused from farther service on the Convention, during the remainder of its session.

Whereupon, on motion,

It was ordered that Mr. Magee have leave of absence from the Convention, during the remainder of its session.

Mr. Scott offered the following resolution:

Resolved, That Silas Brown be allowed the sum of   dollars, for services rendered the Convention as Enrolling Clerk.

Mr. Pendleton moved to fill the blank in said resolution with the word "ten."

And the question being taken thereon,

It was determined in the negative.

It was then moved, by Mr. Scott, that said blank be filled with the word "six."

And the question being put,

It passed in the affirmative.

The question was then taken on the adoption of said resolution,

And passed in the affirmative.

On motion of Mr. Williamson,

Mr. Knox was excused from farther service on the Convention during the remainder of its session.

On motion of Mr. Wright,

The Convention took a recess until half-past 11 o'clock, A. M.

HALF-PAST ELEVEN O'CLOCK, A. M.

Mr. Johnson made the following report:

Mr. President:

The committee appointed to superintend the enrollment of the revised Constitution, which passed the Convention on this day, have instructed me to report that they have performed the duty assigned them, and that the Constitution is correctly enrolled.

The President then asked: is it the decision of the Convention that the Constitution be signed by the President and Secretary?

Which being responded to in the affirmative by a majority of the members of the Convention, the Constitution was thereupon signed by the President and Secretary.

The following resolution was then offered by Mr. Quitman, and *unanimously* adopted:

Resolved, That the Hon. P. Rutilius R. Pray, the President of this Convention, merits the thanks of this Convention for the dignified, impartial, and able manner in which he has discharged the arduous duties of his station.

It was then moved, by Mr. Hurst, that the Convention adjourn *sine die*.

And the question being taken thereon,

It passed in the affirmative.

Whereupon,

The President addressed the Convention in the following words, to wit:

Gentlemen:

When I took upon myself the duties of the station to which you called me in the commencement of our labours, I honestly distrusted my ability to discharge its varied duties. Experience had given me few of those advantages which are necessary to the discharge of such high and important functions. I was conscious that I should of necessity commit many errors; nor can I now for a moment flatter myself that I have escaped them.

With these convictions, gentlemen, you may well imagine with what pleasure I observed your complimentary resolution upon my table; the more because it evinces to my mind that whatever errors I may have committed are attributed to their proper source.

Rest assured, gentlemen, that whatever may be my future destiny, I shall always revert with the most grateful recollections to this Honorable body: for here it is that I have received the noblest distinction to which the heart of a patriot could aspire.

Engaged in the solution of that great problem, where to find the form of an association which will defend and protect with the whole aggregate force the person and property of each individual, and by which every person, while united with all, shall obey only himself, and remain as free as before the union; opinion has come in collision with opinion, and excitement, like the electric spark, has occasionally been manifested: but as that fluid leaves no trace in the element through which it passes, so I hope the little excitements here displayed will leave no lasting impressions on the mind.

That all have been anxious to attain the general good none can doubt; and though we are all liable to error in all our investigations, yet some rule of action must be adopted, and in all communities or bodies of men the will of the greater number must constitute the general will, and that will, when it does not violate the great conditions of the social compact, is always *politically* right. It is therefore, in the birth of societies, the Chiefs of the Republic form the institutions, but afterwards those institutions form the Chiefs.

We have now formed a new Constitution for the State of Mississippi; we have greatly enlarged the duties and liberties of the people; we have pushed forward the bounds of legitimate democracy; and if experience shall fix the sanction of truth to our doctrines, (which I doubt not,) our labors will form a proud era in the history of Mississippi, and we may justly anticipate that, though we are among the youngest members of the confederacy, we shall ere long be followed by those of more mature years.

The operations of this Constitution will form a new school of politicians. Our children, who are to succeed us in the Government, will find themselves unshackeled by the immutable laws of precedent, which have so long bound us down to earth, to follow the footsteps of anterior generations, and commencing where we have paused, their march will be onward.

It is not enough, however, that we have formed a Constitution. If we stop here, our labors are but half done, and may yet prove abortive. There is something more, that something which can neither be inscribed on brass or marble, but must live in the heart of every citizen; this makes the true Constitution of the State—its powers increase by time—and when all other laws become feeble, or even extinct, this reanimates them or supplies their place; this preserves among the people the true spirit of their institutions, and substitutes, insensibly, the force of habit for that of authority. I speak of manners, customs, and more than all, of *opinions*. Those are means distinct from politics, but on which the success of all political institutions depend.

To these the wise Legislator directs his secret care, though he appears to confine his attention to those laws, which like the builder's centre can only serve to raise the mighty vault upon, while the manners and opinions of the people slowly forming round the frame, will become at last a solid arch, and form themselves as an immoveable key-stone.

But, gentlemen, our labours are done, and I am detaining you too long upon an unwelcome subject; I will therefore, in conclusion, tender to each and every one of you, gentlemen, the cordial salutations of a grateful heart, with my ardent prayers that you may receive from your constituents the rewards of faithful public servants, and on your reaching your respective homes that you may then be greeted by what is dearer than all, the exhilirating smiles of wife, children and friends.

And then, the President adjourned the Convention *sine die*.

JOHN H. MALLORY, *Secretary*.

ERRATA.

Page 6, line 38th, for 'Richard' read 'Russel.'
8, line 39th, after the word 'affirmative,' insert the words 'and pursuant thereto, Messrs. Morris, McLaughlin, Austin, Howard and Pendleton were appointed.'
31, at the end of the report of Mr. Morris, one of the committee on elections, insert 'J. J. H Morris, chairman.'
58, line 41, for 'T' read 'F.'
83, line 26, in Mr. Howard's resolution, omit the word 'with'
169, line 15, after the word 'thereto,' insert the words 'by Mr Williams.' line 21, for 'move,' read 'moved.'